



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**88 CIVIL APPLICATION NO. 10088 OF 2024
IN FAST/8509/2024**

Usha Sudamrao Yadav

VERSUS

Shriram General Insurance Company Limited And Ors

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Advocate for Applicant : Mr. Dargad Swapnil Sunilkumar

Advocate for Respondent 1 : Mr. Abhijit G. Choudhari

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 07, 2025

PER COURT :-

1. Heard learned advocates appearing for the respective parties.
2. The applicant/original claimant in MACP No.263 of 2020 seeks permission to withdraw the amount in pursuance to the award dated 27.9.2023 passed by the Motor Accident Claims Tribunal at Beed.
3. The applicant is original claimant. He instituted the claim seeking compensation of Rs.84 Lakh towards accidental death of her son Akash Yadav in motorvehicular accident dated 10.7.2020. It is contention of the claimant that while her son was proceeding on motorcycle, offending Mahindra Jeep registration No.MH-44/G-0354 gave dash to him. Eventually, he suffered fatal injuries.

4. Respondent insurer contested claim on the ground of non-involvement of the insured vehicle. Claimant to establish involvement of the vehicle relied upon evidence of CW-2 Shivaji and CW-3 Balbhim. The FIR has been lodged after 5 days of the accident as per information given by PW 2 Shivaji, who states that CW 3 Balbhim was present on the spot of the accident.

5. Insurer is aggrieved by the award and carried forward defence of non-involvement of in appeal. However, looking to the reasons as stipulated in the impugned judgment and award, prima facie, claimant is entitled to partial withdrawal of the amount subject to certain conditions. Hence, the application is **partly** allowed. The applicant is permitted to withdraw 50% of compensation amount deposited by the insurer with the Registry of this Court alongwith accrued interest thereon . Rest of the amount be kept in fixed deposit in any nationalized bank. CA stands **disposed of**.

(S. G. CHAPALGAONKAR, J.)

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