



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 CIVIL APPLICATION NO. 13749 OF 2024
IN FA/2206/2024

SONALI VIKAS BHUSAL AND ORS
VERSUS
DIGAMBAR NANASAHEB JADHAV AND ANR

...
Advocate for Applicants : Mr. Tushar Shinde h/f Mr. Shaikh Sohail Yusuf
Advocate for Respondent-insurance company : Mr. M.R. Deshmukh

CORAM : SHAILESH P BRAHME, J.

DATE : 22.08.2025

PER COURT :

Heard both the sides.

2. The present applicant is for receiving Rs. 21,57,817/- and the statutory deposits of Rs. 25,000/-, deposited at the instance of respondent-insurance company.

3. The applicants are the dependents of the deceased, who died in an accident, which occurred on 09.02.2019. It is said that he was a pillion rider and his brother was driving the motor cycle, which slipped in a ditch, causing injury to the deceased. It is submitted by the learned counsel for the applicants that the sequence of the events would disclose that the events occurred naturally. There is a witness examined by the claimants to corroborate their claim.

4. Learned counsel Mr. Deshmukh appearing for the respondent-insurance company would oppose the application. It is submitted that the entire theory of the accident is after thought. Brother, who was riding the vehicle did not come forward either for lodging the F.I.R. or for deposing in the Tribunal, which is very suspicious. Deceased succumbed to injuries on

24.09.2019. During this period, no attempt was made to register the offence. Only M.L.C. was reported. The conduct of the witness Chaburao is suspicious. Unless first appeal is heard finally, at the interlocutory stage, the amount cannot be disbursed.

5. I have considered the rival submissions of the parties. The striking feature of the case is that brother, who was the rider of the vehicle did not report the police. He was not examined before the Tribunal. The submissions of the learned counsel for respondent-insurance company has some substance.

6. It is not possible for this court to examine the matter at an interlocutory stage. Rival submissions of the parties can be dealt with at the time of final hearing. The applicants are the dependents on deceased. He was bread earner of the family. Considering over all conspectus of the matter, at this stage, this Court is inclined to permit the applicant to receive 40% of the amount with accrued interest on furnishing undertaking.

7. The Civil Application is partly allowed. The applicant is permitted to receive 40% of the amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

mkd/-