



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

957 CIVIL APPLICATION NO. 8222 OF 2024
IN FA/1089/2024

ASHA SUBHASH SUL AND OTHERS
VERSUS
THE NEW INDIA ASSURNACE CO LTD
THROUGH ITS BRANCH MANAGER AND ANR

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Advocate for the Applicant : Mr.Dargad Swapnil Sunilkumar
Advocate for Respondent No.1 :Mr.Manoj D.Shinde

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CORAM : SHAILESH P. BRAHME, J.
DATE : 12.08.2025

PER COURT :

. Heard both sides.

2. Applicants who are dependants of the deceased who are claiming the amount deposited by the Respondent/insurance company. It is contended that they are in dire need of amount. Only bread earner in the family has lost his life.

3. Application is contested by learned counsel Mr.Shinde on the ground that it is a false accident and vehicle was planted. The owner of the offending vehicle is the neighbourer. First information report is lodged after 15 days. Applicant No.1/Asha Subhash Sul claims to be the occupant of the vehicle who did not sustain serious injuries. Entire claim is suspicious and quantum has also been seriously

disputed.

4. I have considered rival submissions of the parties. It's a defence of planted vehicle. I am guided by ratio laid down by the Supreme Court in the matter of **Geeta Dubey and Ors. vs. United India Insurance Co.Ltd. And Ors** reported in **AIR 2025 SC 386**. I find that Respondent/ insurance company did not approach police with any complaint. Prima facie occurrence of the accident can not be doubted at this stage. I find that interest of justice would be met in permitting the applicants to receive 70% of the amount deposited in this Court with accrued interest on furnishing undertaking.

5. Civil application is allowed party by permitting the applicants to receive 70% of the amount deposited with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. Balance amount shall be invested in nationalized bank.

[**SHAILESH P BRAHME, J.**]

vsj..