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925-CA-8581-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CIVIL APPLICATION NO. 8581 OF 2025
IN FAST/5980/2025

Balaji Munjaji Shitale

VERSUS

United India Insurance Company Ltd Through Its Branch Manager And
Ors.

WITH

CIVIL APPLICATION NO. 2176 OF 2025
IN FAST/5980/2025

WITH

CIVIL APPLICATION NO. 2178 OF 2025
IN FAST/5980/2025

...

Mr. Shivsamb N. Janakwade, Advocate for Applicant.

Mr. S. S. Rathi, Advocate for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 3rd OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. The applicants are the claimants who filed motor accident claim petitions arising out of same accident, and therefore, are being taken together.

Ethape

3. The learned Advocate Mr. Rathi vehemently opposed the application. He submits that all these applicants were travelling in the vehicle insured by the appellant-Insurance Company. The vehicle was not supposed to carry passengers and thus there is a breach of conditions. The passengers were being carried in breach of conditions. He further submits that, in fact, the accident is between two vehicles. It is the other vehicle which is primarily responsible for the accident, as it was stationary in the middle of the road. So far as other vehicle is concerned, the Court has wrongly held the present appellant liable for 50% of the amount when, in fact, the entire liability is of the company of the other vehicle i.e. respondent No.4. They have not filed any appeal till now.

4. Considering that the amount is only 50% of the total liability and since the amount is meager amount, this Court is inclined to allow the application. Hence, following order:

ORDER

(i) The application is partly allowed.

(ii) The applicant is permitted to withdraw 50% of the amount deposited in the office of this Court alongwith accrued interest on giving usual undertaking.

(iii) Remaining amount be kept in fixed deposit in any nationalized bank till final disposal of the first appeal.

(iv) With this, civil application stands disposed off.

[KISHORE C. SANT, J.]