



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

959 CIVIL APPLICATION NO. 9051 OF 2025
IN FAST/15057/2025

NIRMALA WDO VIJAY GOPAL AND ORS

VERSUS

THE NEW INDIA ASSURANCE COMPANY LTD AND ANR

...

Advocate for Applicant : Mr. Pawar Dnyaneshwar Babasaheb

Advocate for Respondent no. 1 : Mr. Mohit R. Deshmukh

CORAM : SHAILESH P. BRAHME, J.

DATE : 22.08.2025

PER COURT :

Heard both sides.

2. This application is for withdrawal of amount of Rs. 33,82,083/- deposited by the respondent-insurance company. The claimants are stated to be the dependents of the deceased and they are in dire need of money.
3. The application is contested by the learned counsel Mr. Deshmukh. He would submit that there is fundamental breach of policy because the driver of the offending vehicle is owner himself and he was not holding valid driving licence. The first appeal is preferred challenging the quantum also.
4. I have considered the rival submissions of the parties. It is not possible at this juncture to record a specific findings on the merit of the matter. Considering the factum of death and dependency of the applicants, this Court is of the considered view that ends of justice would be made by

permitting the applicant to receive 50% of the amount on furnishing undertaking.

5. The Civil Application is partly allowed, permitting the applicants to receive 50% of the amount with accrued interest on furnishing undertaking to the satisfaction of this Court. Balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

mkd/-