



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

**CIVIL APPLICATION NO. 10506 OF 2024  
IN FA/1275/2024**

**ANITA BIBISHAN SIRSAT AND 6 ORS  
VERSUS  
THE ORIENTAL INSURANCE CO LTD THROUGH ITS  
BRANCH MANAGER AND ORS**

...  
Mr. Swapnil Sunilkumar Dargad, Advocate for Applicants.  
Mr. Dhananjay P. Deshpande, Advocate for Respondent No.1.  
...

**CORAM : S. G. CHAPALGAONKAR, J.  
DATED : 16<sup>th</sup> APRIL, 2025.**

**P.C.:-**

1. Heard learned Advocates appearing for respective parties.
2. The applicants are seeking permission to withdraw amount deposited by appellant/insurer in pursuance to award dated 07.02.2024 passed in M.A.C.P. No.359/2020 by Motor Accident Claims Tribunal, Beed.
3. The applicants are original claimants. They instituted claim seeking compensation of Rs.1,70,00,000/- towards accidental death of late Bibishan Sitaram Sirsat in motor vehicular accident dated 25/08/2020. The claimants contend that while deceased was proceeding on his motorcycle, it was dashed by offending Mahindra Bolero Jeep bearing Registration No.MH-44-G-7577. The accident occurred due to sole negligence on the part of Jeep driver. As such, they raised claim against owner and insurer of Jeep.
4. The insurer of Jeep contested claim denying involvement of insured vehicle on the ground that although accident occurred on 25.08.2020, FIR has been lodged on 31.08.2020. There is

unexplained delay of 7 days. Further there is no acceptable evidence to bring home involvement of insured vehicle.

5. The Tribunal relying upon police papers and evidence of one of the alleged eye witness of accident namely Rama Dongre, accepted contentions of claimants as to involvement of insured vehicle and assessed compensation based on salary record from CRPF Department.

6. Mr. Deshpande, learned Advocate appearing for respondent/Insurance Company vehemently submits that evidence of so called eye witness namely Rama Dongre is absolutely unbelievable. He is certainly got-up witness.

7. Mr. Dargad, learned Advocate appearing for appellants submits that he is natural witness and while drawing panchanama, he has given information to Investigating Authority as regards to offending vehicle.

8. Looking to the nature of controversy involved in Appeal and findings as recorded by Tribunal, *prima facie*, claimants are entitled for partial withdrawal of amount. Hence, following order:

**ORDER**

a. Civil Application is partly allowed.

b. The claimant nos.1, 4 and 5 are permitted to withdraw 50% compensation amount alongwith accrued interest thereon falling to their shares on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court that they shall redeposit amount, in case any adverse order is passed in Appeal.

c. The claimant no.2-Deepali Sirsat shall be at liberty to move this Court seeking permission to withdraw amount, in case exigency arises in near future either for her education or marriage expenses.

d. The compensation amount falling to the share of claimant nos.2 and 3 shall remain in fixed deposit till further orders of this Court.

e. Balance of compensation amount falling to the share of claimant nos.1, 4 and 5 shall also be kept in fixed deposit till further orders.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**

Devendra/April-2025