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925-CA-11523-2025 STM

order is corrected pursuant to speaking to minutes of order dated 10.11.2025.

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

**925 CIVIL APPLICATION NO. 11523 OF 2025
IN FAST/18625/2025**

Manali Shaktibhan Rokade And Ors.

VERSUS

The Branch Manager Reliance General Insurance Company Limited And
Ors.

WITH

**CIVIL APPLICATION NO. 7112 OF 2025
IN FAST/18625/2025**

WITH

**CIVIL APPLICATION NO. 7111 OF 2025
IN FAST/18625/2025**

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Mr. Amol Subhash Gandhi, Advocate for Applicant.

Mr. A. S. Usmanpurkar, Advocate for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 15th OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed for withdrawal of the amount deposited in the office of this Court by the appellant.
3. Pursuant to the judgment and order passed by the learned

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Member, Motor Accident Claims Tribunal, Ahmednager, in MACP No.379/2021, the total amount awarded is Rs.1,15,95,200/-. Now the appellant has deposited the amount of Rs.1,35,00,000/- in the office of this Court. The applicant Nos. 2 and 3 are still minors. The applicant Nos. 4 and 5 are the parents of the deceased. The applicant No. 1 is the wife.

4. The learned Advocate Mr. Usmanpurkar vehemently opposed the application. He submits that the exact salary of the deceased has not come on record as there is a variation in the salary amount of every month from January 2021 to July 2021. In the month of January, the salary is shown to be Rs.65,105/-. In February it is to be Rs.32,667, in March Rs.41,426/-, in April Rs.53,427/-, in May Rs.44,731/-. He thus submits that exact income of the deceased is not on record. The Court considered the last one salary i.e. Rs.66,004/- for every months and has awarded an exorbitant award. There was head on collision in two vehicles. The deceased was driving a Scorpio vehicle which dashed with pickup vehicle in the middle of the road. The deceased is thus

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responsible for the accident, still the entire liability is fastened upon the insurance company of the pickup van. He thus submits that if the entire amount is allowed to be withdrawn, it would be difficult to recover the amount.

5. Considering that the applicants have lost earning member of the family and applicant No.2 and 3 are minors, being school going children, they certainly need the amount. The family is facing hardship. Hence, the following order:

ORDER

- (i) The application is allowed.
- (ii) For the purpose of withdrawal, the amount be transferred to the Court of learned Member, MACT, Ahmednagar.
- (iii) The applicant No.1 is permitted to withdraw 40 lakhs and Applicant Nos. 4 and 5 are permitted to withdraw 10 lakh each, on furnishing usual undertaking.
- (iv) The amount to the extent of applicant Nos.2 and 3 be kept in fixed deposit. The interest accrued on the amount of such fixed deposit shall

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be credited to the account of applicant No.1 every quarter.

(v) Remaining amount be kept in fixed deposit till final disposal of the appeal

(vi) The amount be withdrawn from MACP Darkhast No.18/2025 pending before the learned Member, MACT, Ahmendnagar.

(vii) The disbursement shall be made on undertaking by applicant Nos. 1, 4 and 5 to the effect that in case appeal is allowed, they shall re-deposit the amount with interest within 12 weeks from the date of such judgment.

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

CONDONATION OF DELAY

6. This application is filed for condonation of delay caused in filing the first appeal. Respondent nos. 1 to 3 are shown to be unserved. However, learned Advocate Mr. Gandhi waives service of notice for them.

7. For the reasons stated in the application, delay stands condoned. Application is allowed. Office to register first appeal.

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8. With this, civil application stands disposed off.

STAY APPLICATION

9. Since the appellant has already deposited the entire amount as per impugned judgment and award in the office of this Court, there shall be stay to the impugned judgment and award in terms of prayer clause (B) till final disposal of the first appeal.

FIRST APPEAL

10. Heard.

11. Issue notice to the Respondents.

12. Learned Advocate Mr. Gandhi waives service of notice for respondent Nos. 1 to 5.

13. Call for record and proceedings.

14. Parties are at liberty to move this Court for final disposal at the stage of admission after receipt of record and proceedings.

[KISHORE C. SANT, J.]