



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

CIVIL APPLICATION NO. 10314 OF 2025
IN FA/1886/2025

Prema Nitin Kadam And Ors
VERSUS
Magma HDI General Insurance Company And Anr

Mr.Shriram S. Sarda, Advocate for applicants
Mr.Swapnil Patil, Advocate h/f. Mr.R.H.Dahat, Advocate for respondent
no.1

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

Feeling aggrieved by the judgment and award dated 09.10.2024, passed by M.A.C.T., Beed in M.A.C.P. No.334/2021, the appellant - insurance company has raised the First Appeal.

2. Mr.Patil, learned counsel for the appellant, submit that the appeal is based on challenge to the quantum as well as doubt about the accident, as there is delay of three days in lodging the FIR. He accepts that it was a death case and the compensation is granted on the principle of loss of dependency.

3. This application is for withdrawal of the deposited amount in this court by the insurance company while securing stay to the impugned judgment and award. The applicants are in dire need of money. Their entitlement has been assessed by learned Tribunal. He would also submit that the issue of delay in lodging the FIR has also been considered properly by learned Tribunal. With this, he prays for allowing the application.

4. Having heard both sides, I am of the considered view that today the award is in favour of the claimants. Their entitlement to receive the compensation, quantum and involvement of the insured vehicle have been assessed by the Tribunal by examining the evidence before it. I see that the interest of the claimant nos.1 to 3 is already well protected by learned Tribunal, which on this juncture, will not be disturbed. Considering the nature of objections raised in the appeal, I deem it appropriate to pass the following order:-

(i) Applicant no.5/claimant no.5 is permitted to withdraw Rs.6 Lakhs together with interest accrued thereon. Applicant no.1 is permitted to withdraw the balance amount excluding the amount of Rs.One Crore, which has been directed to be kept

in Fixed Deposit in view of clauses 4(i) and 4(ii) of the impugned judgment and award, with interest accrued thereon.

(ii) The application stands disposed of accordingly.

In Appeal:-

5. There is small delay of two days in lodging the FIR. IN view of this, both the parties also show their inclination to settle the matter. In view of that, keep the appeal for disposal on 17.10.2025.

[AJIT B. KADETHANKAR, J.]

KBP