



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

935 FIRST APPEAL NO. 398 OF 2025

**BRANCH MANAGER NEW INDIA INSURANCE CORRECTED
AS ASSURANCE CO LTD**

VERSUS

RAJABHAU BHOJAPPA WANARE AND OTHERS

**WITH FIRST APPEAL NO. 399 OF 2025 WITH
CIVIL APPLICATION NO. 13249 OF 2024 IN FA/398/2025
WITH CIVIL APPLICATION NO. 13971 OF 2024
IN FA/399/2025**

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Advocate for Appellants : Mr. Bodade Shrikrishna R.
Advocate for Respondents : Mr. Ghatol Patil Shahaji B.

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**CORAM : SHAILESH P. BRAHME, J.
DATE : 15.07.2025**

PER COURT :-

1. The original/claimants have made applications for withdrawal of amount.
2. In First Appeal No.398 of 2025, insurance company has deposited Rs.6,51,315/-. In First Appeal No.399 of 2025, insurance company has deposited Rs.2,12,339/-. Additionally, at the time of filing of the appeals, insurance company deposited Rs.25,000/- as a statutory deposits. These amounts are sought to be withdrawn for the reasons stated in the applications.

3. Learned counsel Mr. Bodade opposes the applications mainly on the ground that the risk was not covered by the insurance company because it was act policy. He would submit that if the amount is disbursed, the insurance company is not likely to recover the same. Insurance company has every hope of success in first appeals.

4. I have considered rival submissions of the parties. It has been recorded by the Tribunal that additional premium was paid covering risk of nine passengers. It is difficult to render any finding at this interlocutory stage. But, I find it fit to permit the applicants to receive half of the compensation.

5. Both civil applications are partly allowed by permitting the applicants/claimants to receive 50% of the amount with accrued interest deposited by the respondent/insurance company on furnishing solvent surety/security to the satisfaction of Registrar (Judicial).

6. Balance amount shall be invested in Nationalized Bank.

In First Appeals

7. **Admit.**

8. Learned counsel Mr. Ghatol Patil waives service of notice for respondents/claimants.

9. Call for Record and Proceedings from the concerned Court.

10. As the insurance company has deposited entire amount under award, civil application for stay filed if any becomes redundant.

(SHAILESH P. BRAHME, J.)

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vmk/-