



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

965 CIVIL APPLICATION NO. 12129 OF 2024
IN FAST/13439/2024

ANITA YADAV PENDAM AND OTHERS

VERSUS

THE BRANCH MANAGER, BAJAJ ALLIANZ GENERAL INSURANCE
COMPANY LTD

...

Mr. K. N. Shermale, Advocate for Applicants

Mr. M. R. Deshmukh, Advocate for Respondent No.1

...

WITH

CIVIL APPLICATION NO. 7350 OF 2024
IN FAST/13439/2024

THE BRANCH MANAGER, BAJAJ ALLIANZ GENERAL INSURANCE
COMPANY LTD

VERSUS

ANITA YADAV PENDAM AND OTHERS

WITH

CIVIL APPLICATION NO. 7351 OF 2024
IN FAST/13439/2024

THE BRANCH MANAGER, BAJAJ ALLIANZ GENERAL INSURANCE
COMPANY LTD

VERSUS

ANITA YADAV PENDAM AND OTHERS

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 19th SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 12129 OF 2024

1. This Civil Application is filed for withdrawal of the amount deposited pursuant to the impugned judgment and award dated 20.10.2023, passed by the learned Member, Motor Accident Claims Tribunal, Sangamner, Dist. Ahmednagar, in Motor Accident Claim Petition No.86 of 2017. The learned Tribunal has directed to pay an amount of Rs.9,13,100/- to be recoverable from respondent nos.1 to 3.

2. It is the case of the applicants that the sole breadwinner of their family, namely Yadav Ramaswami Pendam, died in an accident that occurred on 05.08.2017 in between 3.00p.m. to 3.30 p.m. at Sangamner. It is further alleged that while deceased Yadav was a pedestrian, the motorcycle bearing registration no.MH-15-C-8433 gave dash to the deceased which has resulted into severe injuries. The deceased was taken to the Hospital and ultimately he succumbed to the injuries. In view of these facts, the claim petition was filed. Upon scrutinizing the evidence on record and considering facts of the case, the learned Tribunal passed the impugned judgment and award.

3. Mr. Deshmukh, learned counsel for the respondent/Insurance company submits that the accident itself is doubtful. He points out that there is inordinate and unjustifiable delay

of 19 days in lodging the First Information Report about the accident. He would further submit that certain records from the Private Hospital obtained, after passing of the impugned judgment and award indicate that the story that is narrated by the claimants in the claim petition seems to be incorrect. With this, Mr. Deshmukh opposes the withdrawal of the amount.

4. Upon having heard the parties, I find that the award stands in favour of the applicants. Their entitlement is decided by the learned Tribunal after assessing the evidence on record and facts of the case. Today, amount is pending in the Bank which is in nobody's interest. Hence I pass the following order :-

ORDER

- a. Civil Application is partly allowed.
- b. Applicants are permitted to withdraw 75% of the deposited amount by furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Remaining amount be kept in fixed deposit.
- d. Civil Application stands disposed of in above terms.

CIVIL APPLICATION NO. 7350 OF 2024

1. Mr. Deshmukh, learned counsel for the applicant submits that despite efforts made to serve notice to respondent no.3 by regular

mode, service could not be completed. He prays that permission may be granted to serve respondent no.3 by private mode of service.

2. Applicant is at liberty to serve respondent no.3 by all permissible modes of private service and to file an affidavit of service to that effect.

CIVIL APPLICATION NO. 7351 OF 2024

1. In view of the fact that the applicant/appellant has deposited entire payable award amount in this Court and a portion of the said amount is also permitted to be withdrawn, stay granted earlier is made absolute in terms of prayer clause "B".

2. Civil Application is allowed and disposed of accordingly.

[AJIT B. KADETHANKAR, J.]

PRW