



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

**903 CIVIL APPLICATION NO. 1508 OF 2025
IN FAST/29220/2024**

Mandabai Babasaheb Bhojne And Ors

VERSUS

Reliance General Insurance Co Ltd And Anr

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Advocate for Applicant : Mr. G.J. Pahilwan

Advocate for Respondents : Mr. A. S. Usmanpurkar

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WITH

CIVIL APPLICATION NO. 11858 OF 2024 IN FAST/29220/2024

WITH

CIVIL APPLICATION NO. 11859 OF 2024 IN FAST/29220/2024

CORAM : S. G. CHAPALGAONKAR, J.

Dated : February 07, 2025

PER COURT :-

1. Heard learned advocates appearing for the respective parties.

2. The applicants are original claimants in MACP No.416 of 2022 decided by the Motor Accident Claims Tribunal at Aurangabad. The claim was lodged for compensation in respect of death of Babasaheb under section 166 of the Motor Vehicles act. Claimants were dependent of the deceased. He died in motor vehicular accident involving the insured vehicle. Offence was registered against driver of the insured vehicle. Insurance company contested claim on the ground of quantum and negligence. The Tribunal, upon assessment of the evidence, passed an award in favour of the claimants for

Rs.20,95,000/- alongwith interest @ 6.5% p.a. The appellant carried defence as raised before the Tribunal in this appeal. The entire amount of compensation has been deposited with Registry of this Court. The claimants are seeking withdrawal of the amount.

3. Having considered the submissions advanced and perusal of reasoning as adopted by the Tribunal shows that entitlement of the claimants to receive the compensation is not in dispute. The issue whether deceased has contributed in the cause of accident or whether the Tribunal has fixed earning of the deceased in accordance with the pleadings and evidence can be considered at the time of final hearing. The claimants are certainly entitled for partial withdrawal of the amount. In that view of the matter, following order is passed.

O R D E R

- i. Application is allowed.
- ii. The claimants are permitted to withdraw 75% of the compensation amount deposited by the Insurance Company. However, the compensation amount falling to the share of minor shall remain in fixed deposits as directed by the Tribunal.
- iii. The 75% of the amount falling to the share of claimant no.1, 5 and 6 be disbursed to them on furnishing usual undertaking to the satisfaction of the Registrar Judicial of this Court.
- iv. Civil Application stands **disposed of**.

Delay Application :-

4. Heard learned advocates appearing for the respective parties.
5. The applicants seeks to condone the delay of 45 days caused in filing the appeal.
6. Having considered reasons as stated in the application, delay is attributed to the administrative compliances. Hence, sufficient cause is made out. The application is therefore, allowed. Delay of 45 days caused in filing the appeal is condoned. CA stands disposed of.
7. Appeal be registered. On registration of the appeal, issue notice to the Respondents, returnable on 21.3.2025. Mr. Pahelwan, learned counsel waives notice for respondent nos.1 to 6. Call for record and proceeding.

Stay application :-

8. Mr. Usmanpurkar, learned counsel points out that entire amount as per the award is deposited with the Registry of this Court. Said statement is supported by office endorsement.
9. In that view of the matter, application is allowed in terms of prayer clause 'B' and **disposed off**.

(S. G. CHAPALGAONKAR, J.)

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