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

**6 CIVIL APPLICATION NO. 12579 OF 2024
IN FA/1343/2024**

VIDYA RAVINDRA YEOLE AND ORS
VERSUS
ICICI LOMBARD GENERAL INSURANCE COM. LTD THR ITS AUTHORIZED SIGNATORY VAIDYANATH PLAZA BEHIN AND ORS

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Mr. Amol Subhash Gandhi, Advocate for Applicants
Mr. M. R. Deshmukh, Advocate for Respondent No.1

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 07.05.2025

PER COURT :-

. Heard learned Advocates appearing for respective parties.

2. Applicants are seeking permission to withdraw the amount deposited by respondent/insurance company in pursuance to the award dated 27.02.2024 passed by the Motor Accident Claims Tribunal in MACP No.259 of 2020.

3. Applicants are the original claimants. They instituted claim seeking compensation towards accidental death of Ravindra Yeole, who died in accident dated 30.03.2020. It is contention of claimants that the deceased was pillion rider on Hero Passion Motorcycle bearing Registration No. MH-23/AP-4615 and suffered injuries due to rash and negligent driving by its rider.

4. The respondent/insurance company contested the claim. Mr. Deshmukh, learned advocate appearing for the respondent/insurance company, submits that although accident occurred on 30.03.2020, there were no traces of involvement of the insured motorcycle until 17.06.2020. The involvement was later introduced. By drawing attention to the MLC documents and correspondence between the police officers, he submits that only RTA mentioned in record. In fact, deceased, while riding on motor cycle lost his control and suffered injuries due to self-negligence. The entire story has been hatched after three months and false involvement of insured vehicle is brought on record.

5. *Prima facie,* the documents on record are sufficient to create doubt as regards to case of claimants. However, Tribunal, relying upon the evidence of rider of the vehicle (who was charge-sheeted for the offence of rash and negligent driving) and other police documents, accepted the claimants' case and passed the award. In this background, when the respondent/insurance company makes out *prima facie* case and claimants have successfully secured an award from the Tribunal, a balance will have to be carried out. In result, the following order is passed:

::**ORDER**::

a. Civil application is partly allowed.

b. Applicants/claimants are permitted to withdraw 25% of the compensation amount along with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court that they shall re-deposit the amount, in case, adverse order is passed in appeal. In addition to the aforesaid amount, the claimants are permitted to withdraw 25% of compensation amount along with accrued interest thereon on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court.

c. Balance amount be kept in fixed deposit till disposal of the appeal.

d. The disbursement of the aforesaid amount shall be in accordance with the apportionment made by the Tribunal under the impugned judgment and award.

e. Place the appeal for admission on 23.06.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav