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

**CIVIL APPLICATION NO. 12713 OF 2024
IN FA/465/2025**

POOJA RAJU @ RAJA KADAM AND ORS
VERSUS
THE NEW INDIA ASSURANCE COMPANY
LTD THROUGH ITS BRANCH MANAGER

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Advocate for the Applicant : Mr.Shirsat Suhas R.
Advocate for Respondent No.1 : Mr.Usmanpurkar Aniruddha S.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 12.08.2025

PER COURT :

. Heard both sides.

2. Present application is for disbursement of amount of Rs.20,83,662/- deposited by Respondent/insurance company. Accident in question resulted into death of earning member of the family.

3. For the reasons stated in the application, it is requested that the amount be disbursed to the applicants.

4. *Per contra*, learned counsel Mr.Usmanpurkar for the insurance company submits that accident occurred on 06.09.2021 and first information report was lodged on 29.09.2021. In that case a doubt is raised about the incident in question. It is further submitted that only

Santosh is the eye-witness. If Santosh and Sakharam were aware of the accident, why report was not lodged in time. It is submitted that it has come on record that those are relatives of the claimants. None of them were examined by the claimants before the tribunal.

5. The submissions of the respondents are repelled by learned counsel for the applicants contending that vehicle number was stated in the first information report. From 06.09.2021 to 15.09.2021 the deceased was under medication. Belated lodging of F.I.R is not fatal to the accident claims. The investigating police constable was examined before the tribunal and the police papers refers to the accident and two persons viz. Santosh and Sakharam. It is further contended that no steps have been taken by the insurance company if the incident in question is false.

6. I have considered rival submissions of the parties. I have gone through impugned judgment. It reveals from record that neither Santosh nor Sakharam was examined before the tribunal. Santosh appears to be the eye witness. The delay as such can not be the ground to reject the claim for compensation. When earning member is struggling for life obviously members of the family are not expected to rush to the police for lodging the report. There are contentious issues involved in the matter. The insurance company should have taken steps of lodging report with the police if the false accident is showed.

7. Interest of the justice would be met in permitting the

applicants to receive 50% of the amount on furnishing undertaking and further 20% on furnishing solvent surety/security.

8. Civil application is partly allowed permitting the applicants to receive 50% on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court and further 20% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

9. Balance amount shall be invested in nationalized bank.

[SHAILESH P. BRAHME, J.]

vsj..