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914-ca-13303-25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO. 13303 OF 2025
IN FA/51/2009

ROHIDAS KONDIBA LOKARE AND OTHERS
VERSUS
THE UNITED INDIA INSURANCE CO LTD. AND OTHERS

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Advocate for Applicants : Mr. Nilkanth Pandurang Bangar
Advocate for Respondent No.1 : Mr. S. V. Kulkarni
Advocate for Respondent No.2 : B. A. Darak

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WITH
CIVIL APPLICATION NO. 5952 OF 2009
IN FA/2006/2009

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CORAM : SUSHIL M. GHODESWAR J.,

DATE : 18.12.2025

PER COURT :

1. Heard the learned counsel for the applicants and learned counsel for the respondents.
2. Mr. Bangar, learned Advocate for the applicants submits that he may be permitted to carry out the corrections in name of applicant No.2 Manjulabai w/o Kondiba Lokare as Manjulabai w/o Rohidas Lokare. Permission granted. The said correction be carried out forthwith.
3. For claiming compensation, the claim petition was filed by the parents of the deceased Khanderao who had died on 17.02.2004. The

Tribunal vide order 12.09.2008 partly allowed the said petition and directed the respondents to pay jointly and severally Rs. 2,00,000/- as compensation to the claimants on account of death of their son Khanderao Rohidas Lokare in vehicular accident dated 17.02.2004. Thereafter, the said order dated 12.09.2008 is challenged before this Court by the Insurance Company in First Appeal No. 51/2009. The amount of the said compensation is already deposited in this Court.

4. The learned Advocate for the applicants/claimants submits that the Insurance Company has deposited the amount of Rs. 2 Lakh before this Court. In an earlier application, the amount of Rs. 1 Lakh has already been permitted to be withdrawn by the claimants. Now, again the claimants have prayed for withdrawal of amount Rs. 1 Lakh.

5. According to the learned counsel for the parties, the remaining amount of Rs. 1 Lakh was kept in Fixed Deposit and that could have been increased since it was kept in the Fixed Deposit in the year 2009.

6. In order to consider the application of the claimants, it is necessary to allow to withdraw the amount of Rs. 1 Lakh. The claimants, however, are required to place an usual undertaking before

the Registry stating therein that in the event the applicants would not succeed in this matter, they would refund the amount unconditionally. The office is directed to permit the claimants to withdraw the amount of Rs. 1 Lakh. The said amount of Rs. 1 Lakh be paid to the claimants within a period of two weeks.

7. The Civil Application No. 13303/2025 in First Appeal No. 51/2009 is, accordingly, allowed.

(SUSHIL M. GHODESWAR)
JUDGE

shp/-