



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

**CIVIL APPLICATION NO. 12493 OF 2024
IN FA/1706/2024**

**SMT SARUBAI BHATA MALI MAHAJAN AND OTHER
VERSUS
THE NEW INDIA ASSURANCE CO LTD AND ORS**

...

Advocate for Applicants : Mr. Pramod C. Mayure
Advocate for Respondent No.1 : Mr. S. R. Bodade
Advocate for Respondent No.3 : Mr. Ujwal S. Patil

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 2nd JULY 2025

PER COURT :

1. Although Respondent No.7 who is the owner of the vehicle, has not been served in the First Appeal. Applicants have filed this application for withdrawal of the amount for the reasons stated therein. Respondent/Insurance Company has deposited an amount of Rs.22,70,787/-. It is submitted by learned Counsel for the Applicants that the Applicants are in dire need of money.

2. Learned Counsel for the Respondent/Insurance Company would vehemently oppose the application. It is contended that the insured vehicle has not been involved in the accident. First Information Report was lodged belatedly. After ten months, the vehicle in question was identified which creates doubt. It is further submitted that there is reason to suspect that death might not be caused due to accident.

3. I have considered rival submissions of the parties. It is not possible to go into contentious issues involved in the appeal. The driver in question was prosecuted and convicted also. I am of the considered view that Applicants are entitled to receive some amount.

4. Civil Application No. 12493/2024 is partly allowed.

5. Applicants shall be disbursed 50% of the amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. Balance amount shall be invested in the Nationalized Bank.

7. Civil Application No.12494/2024 is disposed of.

**SHAILESH P BRAHME
JUDGE**