



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12276 OF 2024
IN FAST/19444/2024

USHA SURESH PAWAR AND OTHERS

VERSUS

THE NEW INDIA ASSURANCE CO LTD
THROUGH ITS BRANCH MANAGER

...

Advocate for the Applicant : Ms.Ashwini R.Mate

Advocate for Respondent No.1: Mr.Ramesh Imale

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 31st JULY 2025

PER COURT :

1. Applicants who are original claimants are seeking withdrawal of amount deposited by the respondent/insurance company in this Court to the tune of Rs.27,98,117/- and additional Rs.25000/- as statutory deposits.

2. The application is forcefully opposed by learned counsel for the insurance company. It is submitted that there is delay of one month in lodging first information report and the delay has not been explained. It is further submitted that offending vehicle in the claim petition is stated to be MH-04-CB-6791, WagonR which is insured with respondent/insurance company. However, first information report police papers would disclose vehicle bearing Registration No.MH-04-CV-6791 for which the insurance company is not liable to pay.

3. It is further contended that there is no evidence on record to show that offending vehicle stated in the claim petition is the vehicle involved in the accident.

4. My attention is adverted to the police papers from the record. First information report which is at Exhibit-33 shows offending vehicle is WagonR bearing Registration No.MH-04-CB-6791 CW/Santosh Shinde also refers to the self-same registration number. The respondent/insurance company did not lead any evidence nor did it lodge any complaint with the police against illegal involvement of the vehicle. In view of the latest pronouncement of the Supreme Court in the matter of **Geeta Dubey and Ors. Vs. United India Insurance Co. Ltd. and Ors.** Reported in AIR 2025 SC 386. I find it fit to permit the applicant to receive 75% of the amount deposited in this Court.

5. Civil application is partly allowed by permitting the applicants to receive 75% of the amount deposited with accrued interest on furnishing undertaking to the satisfaction of the Registrar(Judicial) of this Court.

6. Balance amount shall be invested in nationalized bank.

[SHAILESH P BRAHME, J.]

vsj..