

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**940 CIVIL APPLICATION NO. 5060 OF 2024
IN FA/1497/2021**

WITH

**FIRST APPEAL NO. 1497 OF 2021
WITH CIVIL APPLICATION NO. 8566 OF 2021
IN FA/1497/2021**

**WITH CIVIL APPLICATION NO. 569 OF 2023
IN FA/1497/2021**

MAROTI BHUMANNA BHADROD AND OTHERS
VERSUS
SHRIRAM GENERAL INSURANCE COMPANY LTD. AND ANR

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Mr. G.K. Muneshwar, Advocate for the applicants.
Mr. A.B. Dongade, Advocate holding for Mr. A.P. Basarkar,
Advocate for Insurance Company.
Mr. R.G. Tupe, Advocate holding for Ms. A.L. Yadav, Advocate
for respondent No. 3.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 5 FEBRUARY 2025.

ORDER:-

CIVIL APPLICATION NO. 5060 OF 2024 :

1. Heard rival submissions.
2. The applicants/claimants are seeking withdrawal of the entire amount of compensation alongwith the interest accrued thereon, which has been deposited by the respondent Insurance Company
3. The learned Counsel for the Insurance Company opposed the application on the ground that the deceased was gratuitous passenger and therefore, insurance company is not liable to pay the compensation.

4. However, there are so many judgments of Hon'ble Apex Court that in case of gratuitous passenger, insurance company is directed to pay the compensation and to recover the same later on from the owner. In view of the same considering the quantum compensation granted by the learned Tribunal, the applicants are permitted to withdraw 75% of the deposited amount of compensation alongwith the proportionate interest accrued thereon till date in equal proportion on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

IN CIVIL APPLICATION NO. 569 OF 2023 :

7 Though the application is filed by claimants for vacating the stay as the appellant Insurance Company failed to deposit the amount of compensation, but the said amount is deposited now. As such, the application has become infructuous and disposed of accordingly.

8. List the First Appeal on 05.03.2024 alongwith First Appeal No. 152 of 2021.

(SANDIPKUMAR C. MORE, J.)