



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

**CIVIL APPLICATION NO. 4881 OF 2025
IN FA/1242/2025**

Sheetal Ashok Mane And Ors

VERSUS

Icici Lombard General Insurance Co Ltd And Anr

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Mr. S. S. Dargad, Advocate for Applicants

Mr. S. S. Patil h/f Mr. R. H. Dahat, Advocate for Respondent
no.1

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CORAM : AJIT B. KADETHANKAR.

DATED : 24TH SEPTEMBER, 2025

ORDER :-

. Feeling aggrieved by the judgment and award dated 13.07.2023, passed by the Member, Motor Accident Claims Tribunal, Beed in M.A.C.P. No.425 of 2021, the Insurance Company/original respondent no.1 has lodged present First Appeal under Section 173 of the Motor Vehicles Act, 1988.

2. The sum and substance of the story is that a pedestrian namely Ashok was knocked down by the insured vehicle bearing registration no.MH-23-AU-3058 while walking over Gadhi Majalgaon Route in the early morning of 05.10.2021 at about 06.30 am. Ashok was hit from his back side. It is contended by the claimants that the accident was occurred

due to sole negligence of the driver of the offending vehicle. The claim was accordingly lodged against the insurer and owner of the offending vehicle.

3. Upon hearing both the parties and after assessing the evidence, the learned Tribunal quantified the award to the tune of Rs.12,12,400/- recoverable jointly and severally from the present appellant and present respondent no.4. While securing stay to the execution and operation of the impugned judgment and award in the First Appeal, the appellant/Insurance Company has deposited entire payable award amount in this Court. Hence, this Civil Application is moved by the applicants seeking permission to withdraw the amount deposited by the Insurance Company in this Court.

4. Mr. S. S. Dargad, learned Advocate representing the applicants submits that the entitlement of the claimants has been adjudicated by the learned Tribunal after assessing the entire evidence available on record and by examining the facts on record. The applicants would submit that they have lost their sole breadwinner and they are entitled for the compensation granted by the learned Tribunal.

5. Mr. Swapnil Patil, learned Advocate representing the Insurance Company/appellant would submit that the involvement of insured vehicle is doubtful in the said accident. He would submit that the evidence of the so called eye witness on which the learned Tribunal has placed reliance is also doubted. He would further submit that there is delay of 13 days in lodging the First Information Report. With this, Mr. Patil, learned Advocate opposes withdrawal of the award amount as prayed in the application.

6. Upon having heard both the parties at length, I am of the considered view that the defence of the Insurance Company/appellant is examined by the learned Tribunal and the judgment and award is accordingly delivered with judicious mind. Today the award stands in favour of the claimants/applicants and the amount is pending in the bank. It is in nobody's interest that the amount so remain idle in the bank. In such circumstances, I pass following order:

ORDER

- a. Civil Application is partly allowed.
- b. The applicants are permitted to withdraw the amount of Rs.10,00,000/-, subject to furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

- c. The proportion of apportionment of the withdrawal amount would be as per the proportion granted by the learned Tribunal.
- d. Balance amount be kept in fixed deposit in any nationalized bank.
- e. In above terms, Civil Application stands disposed of.

FIRST APPEAL NO.1242 OF 2025

- . Issue notice to the respondents returnable on 06.11.2025. Mr. S. S. Dargad, learned Advocate waives service of notice for respondent nos.1 to 3.
- 2. Print and paper book dispensed with.

(AJIT B. KADETHANKAR, J.)