



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

**CIVIL APPLICATION NO. 717 OF 2025
IN FA/2785/2024**

**SATYABHAMA BRAMHADEO MANCHARE AND ANR
VERSUS
AUTHORIZED SIGNATORY CHOLA M S GENERAL
INSURANCE LTD AND ANR**

...
Mr. Swapnil Sunilkumar Dargad, Advocate for Applicants.
Mr. Abhijit Choudhari, Advocate for Respondent No.1.

...
**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 27th FEBRUARY, 2025.**

P.C.:-

1. Heard Mr. Dargad, learned Advocate appearing for the applicants and Mr. Choudhari, learned Advocate appearing for respondent no.1.
2. The respondent/insurer filed present Appeal assailing award passed by Motor Accident Claims Tribunal, Beed in Motor Accident Claim Petition No.127/2017.
3. The appellant/insurer took defence that insured vehicle has been falsely implanted for the reasons that there is delay of more than two and half months in lodging FIR. During proceeding of the claim, eye witness named in the charge-sheet has been examined.
4. According to Mr. Choudhari, his evidence is not reliable.
5. However, fact remains that Tribunal on appreciation of evidence, passed award in favour of claimants. The claimants lost their only son. In that view of the matter, claimants are certainly

entitled for partial withdrawal of amount subject to certain condition. Hence, following order:

ORDER

- a. Civil Application is allowed.
- b. The applicants are permitted to withdraw 50% of the amount deposited by the appellant, subject to filing an undertaking to the satisfaction of the Registrar (Judicial) of this Court, stating that they shall re-deposit the amount if so directed at the conclusion of the proceedings in the appeal.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/February-2025