



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 155 OF 2025
IN FA/280/2025

NIRMALA WD/O RAMESH HODGAR AND ORS
VERSUS
BABASAHEB EKNATH BABRE AND ANR

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Advocate for Applicants : Mr. Dhakane Rajendra Babaji
Advocate for Respondent No. 1 : Mr. Supriya G. Budhalkar h/f Mr. Bhagwat
Nilesh N.
Advocate for Respondent no. 2 : Mr. Mohit R. Deshmukh

CORAM : SHAILESH P BRAHME, J.

DATE : 22.08.2025

PER COURT :

Heard both sides.

2. This is an application for withdrawal of amount of Rs. 93,26,155/-.
3. The learned counsel for the applicants submits that it is a death claim and bread earner succumbed in the accident in question. It is further submitted that the applicants were dependent upon the deceased.
4. Per contra, learned counsel Mr. Deshmukh for the respondent-insurance company vehemently opposes the application on the ground that it is a case of false involvement of a insured vehicle. He would submit that a total after thought story is cooked to usurp the compensation. On 26.06.2018 the F.I.R. was lodged by the widow of the deceased stating that one Mr. Babasaheb Walke witnessed the accident. The evidence brought by the applicant does not inspire confidence. It is submitted that the seizure panchnama of the vehicle is incompatible with the theory of the claimants.

5. I have considered the rival submissions of the parties. Undisputedly, the bread earner of the family succumbed in the accident. The respondent-insurance company has not lodged any independent complaint for the grievance of false involvement of the vehicle. I am guided by the principles laid down by the Supreme Court in the matter of **Geeta Dubey Vs. United India Insurance Company Ltd.; AIR 2025 SC 386**. After the accident, widow lodged the first information report and the investigation was conducted. Those papers are produced on record. Considering those papers, the Tribunal awarded the compensation. There are contentious issues involved in the matter, which cannot be dealt with at an interlocutory stage. The objections raised by the learned counsel Mr. Deshmukh, can be dealt with during the course of final hearing.

6. I find that a case is made out to disburse 50% of the compensation amount deposited with this Court.

7. The Civil Application is partly allowed permitting the applicants to receive 50% of the amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

mkd/-