IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

973 CIVIL APPLICATION NO. 10175 OF 2025
IN FA/4640/2023

NANDABAI SANTOSH SHINDE AND ORS
VERSUS
ICICI LOMBARD GENERAL INSURANCE CO LTD AND ANR
...
Mr. Ramesh Imale, Advocate for Applicants
Mr. Swapnil Patil, Advocate for Respondent No.1

WITH
CIVIL APPLICATION NO. 15068 OF 2023
IN FA/4640/2023

ICICI LOMBARD GENERAL INSURANCE CO LTD
VERSUS
NANDABAI SANTOSH SHINDE AND ORS
...

CORAM : AJIT B. KADETHANKAR, J.
DATE : 19th SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 10175 OF 2025

1. Feeling aggrieved by the judgment and award dated 26.07.2023, passed by the learned Member, Motor Accident Claims Tribunal, Aurangabad, in M.A.C.P. No.325 of 2016, the Insurance Company has lodged the present appeal under Section 173 of the Motor Vehicle Act. The claim was filed under Section 166 of the Motor Vehicles

Act by the present applicants seeking compensation for the death of one Santosh Shinde, who was the husband of applicant no.1 and father of the remaining applicants.

2. The learned Tribunal assessed the entitlement of the claimants at Rs.6,34,000/-. The appellant is the insurer of the offending vehicle. Mr. Imale, learned counsel for the applicants submits that entitlement of the claimants is adjudicated by the learned Tribunal upon assessing the evidence on record and applying the judicious mind. He would further submit that the deceased was the sole breadwinner of the family and has lost his life in the accident and therefore, the compensation so awarded ought to be disbursed to the claimants in the interest of justice.

3. Per contra, Mr. Patil, learned counsel for the Insurance Company, contends that the involvement of the insured vehicle in the accident is highly doubtful. He argues that there were no eyewitnesses to the incident, and the witnesses examined by the claimants failed to establish the insured vehicle's involvement. In fact, their testimonies suggest otherwise. He also points out that there was a delay of 7 days in lodging the First Information Report, which casts further doubt and indicates that the claim against the insured vehicle is an afterthought.

He therefore prays for rejection of the application.

4. Upon hearing the parties at length, I find that the learned Tribunal has duly considered the evidence on record and adjudicated the entitlement of the claimants. The Tribunal has arrived at the conclusion that the insured vehicle was indeed involved in the accident after proper scrutiny of the available evidence. Today, the award stands in favour of the claimants. The compensation amount deposited by the Insurance Company is lying idle in the bank. It is in nobody's interest that the amount remains in the bank.

5. In these circumstances, I pass the following order :-

ORDER

a. Civil Application is partly allowed.

b. Applicants are permitted to withdraw 50% of the deposited amount along with interest accrued thereon on furnishing usual undertaking and further 25% of the deposited amount along with interest accrued thereon on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

c. Civil Application stands disposed of.

CIVIL APPLICATION NO. 15068 OF 2023

1. In view of the fact that the entire payable award amount has been deposited by the Insurance Company together with interest

pursuant to the order passed by this Court and a portion of deposited amount is also permitted to be withdraw, stay granted earlier is made absolute in terms of prayer clause “B”.

2. Civil Application stands allowed and disposed of accordingly.

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1. **Admit.**

2. Mr. Imale, learned counsel waives service of notice for respondent nos.1 to 3.

3. Call Record and Proceeding.

4. The matter be listed after service of notice is complete. In the meantime, the appellant shall take recourse to the provisions enumerated in Chapter II of the Bombay High Court Appellate Side Rules, corresponding to the stage and requirement of matter.

[AJIT B. KADETHANKAR, J.]

PRW