



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

**941 FIRST APPEAL NO. 2346 OF 2019
WITH
CIVIL APPLICATION NO. 8573 OF 2019
IN FA/2346/2019
WITH
CIVIL APPLICATION NO. 15022 OF 2019
IN FA/2346/2019**

**NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY, AURANGABAD**

VERSUS

SAYYAD NAWABALI SAYYAD DAGADU AND ORS

...

Advocate for Appellants : Mr. Mohit R. Deshmukh

Advocate for Respondent Nos. 1 to 5 : Mr. V. B. Madan

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 13 FEBRUARY , 2025

ORDER

IN CIVIL APPLICATION NO. 15022/2019

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the appellant/insurance company along with the interest accrued thereon.
3. The learned counsel for the insurance company opposed the application, on the ground that the alleged offending Truck bearing registration No. MP-09-GE-6692 was not at all involved in the accident. He further pointed out that though

the accident took place on 26.02.2011, but detection of offending Truck being involved in the accident, was in fact shown after 9 days. According to him, the Insurance Company has appointed private Investigator and in his report, it was revealed that the owner of the said offending Truck had told the Insurance Company that he was offered with certain amount for showing involvement of his Truck in the accident. However, it appears that the learned Tribunal has dealt with this aspect, in the judgment itself.

4. The learned counsel for the appellant/Insurance Company pointed out that the Insurance Company had in fact tried to produce on record the conversation between owner of the aforesaid Truck and the Investigator by seeking leave of the Tribunal. However, unfortunately the learned Tribunal refused to take the aforesaid conversation on record.

5. Be that as it may, the applicants/claimants have not received any compensation till today, despite having award in their favour. Under such circumstances, the applicants/claimants are entitled to withdraw 50% amounts from their respective share as determined by the learned Tribunal along with the proportionate interest accrued thereon, on furnishing usual undertaking to the satisfaction of

the Registrar (Judicial) of this court.

6. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.
7. The civil application is accordingly disposed of.
8. Stand over to 15.04.2025.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni