



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

**CIVIL APPLICATION NO. 4449 OF 2025
IN FA/2201/2024**

**GULAM RABBANI MOHAMMAD SHABAN AND ANR
VERSUS
THE LEGAL MANAGER SHRIRAM GENERAL INSURANCE CO
LTD AND ORS**

**AND
CIVIL APPLICATION NO. 4455 OF 2025
IN FA/2365/2024**

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HS ANSARI NEHAL AHMAD SHABBIR AHMAD AND ANR
VERSUS
THE LEGAL MANAGER SHRIRAM GENERAL INSURANCE CO
LTD AND ORS**

...
Mr. Mohit Shrikant Shah, Advocate for Applicants.
Mr. Abhijit Choudhari, Advocate for Respondent No.1.

...
**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th APRIL, 2025.**

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. The applicants are dependents of deceased, who died in Motor Vehicular Accident. They filed claim for compensation under Section 166 of Motor Vehicle Act. The Tribunal after considering rival submissions, allowed claim and passed award in favour of claimants. The respondent/insurer filed present Appeal on the ground of breach of condition of policy i.e. insured vehicle was used in contravention of terms and conditions for hire and reward purpose.
3. Even it is assumed that defence as raised by insurer is acceptable, it would be between insurer and owner. The

entitlement of claimants to receive compensation cannot be disputed. Therefore, *prima facie*, case is made out to grant partial withdrawal of compensation amount. Hence, following order:

ORDER

- a. Civil Applications are partly allowed.
- b. The applicants are permitted to withdraw 60% of compensation amount alongwith accrued interest thereon subject to condition that applicants file an undertaking to the satisfaction of Registrar (Judicial) of this Court that they shall redeposit amount in case adverse order is passed in Appeal. The undertaking to be filed within a period of eight weeks from today and shall be made part of Appeal compilation.
- c. Balance of the amount be kept in Fixed Deposits in any Nationalized Bank.

(S. G. CHAPALGAONKAR)
JUDGE