



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CIVIL APPLICATION NO. 9708 OF 2024
IN FA/3802/2023

SALIM GULAB SAYYAD AND OTHERS

VERSUS

BRANCH MANAGER, SHRIRAM GENERAL INSURNACE COMPANY LTD

...

Mr. S. S. Manale h/f Mr. V. S. Bedre, Advocate for Applicant

Mr. S. S. Rathi, Advocate for Respondent No.1.

WITH

CIVIL APPLICATION NO. 12026 OF 2023

IN FA/3802/2023

BRANCH MANAGER, SHRIRAM GENERAL INSURNACE CO LTD

VERSUS

SALIM GULAB SAYYAD AND OTHERS

...

Mr. S. S. Rathi, Advocate for Applicant

Mr. S. S. Manale h/f Mr. V. S. Bedre, Advocate for Respondent Nos.1 and 2.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 22nd APRIL, 2026

P. C. :-

ORDER BELOW CIVIL APPLICATION NO. 9708 OF 2024

1. This application is filed for withdrawal of the amount of compensation as per impugned judgment and award.

2. Perused the application and heard learned advocates for both sides.

Learned Advocate for respondent No.1 strongly opposed the application and

submitted that the involvement of the offending vehicle in the accident is doubtful, particularly in view of the delay of 35 days in lodging the report. He, therefore, prayed for rejection of the application. He further submitted that, in the case of death of a minor victim in a motor accident, at the most compensation of Rs.5,00,000/- can be awarded. However, the learned Tribunal has awarded Rs.11,62,000/-, which is neither legal nor proper in light of the law laid down by the Hon'ble Supreme Court in the case of *Abhesinh Pratapsinh Rajput V. Meetkumar Kantilal Patel, AIR Online 2025 GUJ 448*, wherein total compensation of Rs.5,00,000/- was ultimately awarded, and the same has now become a settled principle of law.

3. Considering the aforesaid submissions, it would be appropriate to permit withdrawal of an amount of Rs.5 lakhs along with accrued interest and costs by the claimant. Therefore, the application deserves to be allowed.

4. The Registry is directed to disburse an amount of Rs.5 lakhs along with interest and costs to the claimant, subject to furnishing the usual undertaking.

ORDER BELOW CIVIL APPLICATION NO. 12026 OF 2023

5. This is an application for seeking granting stay to the execution of judgment and award.

6. Perused the application. Heard learned advocates for both the sides. Considering the peculiar facts of the case and the grounds stated in the application, stay is granted subject to deposit entire amount of compensation under award alongwith interest accrued and cost, within 12 weeks from today in this Court. With this condition, application is allowed and disposed of accordingly.

7. In First Appeal, issue notice to the Respondents, returnable on 2nd July, 2026.

8. Call R and P.

(SANJAY A. DESHMUKH, J.)

ssp