



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12130 OF 2024
IN FA/476/2025

Smt Pratibha Kishor Patil and others

VERSUS

The United India Insurance Company Ltd and others

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Advocate for Applicant : Mr. Shrikant Subhash Patil

Advocate for Respondent No.1: Mr. Mohit R. Deshmukh

Advocate for Respondent Nos. 2 and 3 : Mr. A. D. Sonar

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 30th JANUARY, 2026

PER COURT :-

1. This application is filed for withdrawal of the amount deposited in this court as per the impugned judgment and award.

Perused the application. Heard learned advocates for both sides.

2. Learned advocate for the appellants pointed out the reasons of the Tribunal showing that the Tribunal has concluded that the evidence of witness Ajay Yadav is not acceptable, as his evidence is disbelieved.

3. Learned advocate for the insurance company pointed out that the testimony of witness Ajay Yadav, who agitated that there was image of skidding of the motor cycle of the deceased, the husband of

the applicant No.1 at the relevant time and the accident took place because of high speed, as evident from at Exh.116. He further submitted that there is delay of 4 days caused in lodging the report which creates reasonable doubt about involvement of the offending tractor in the said vehicular accident. Learned advocate for the respondent therefore, prayed to reject the application.

4. Considering the nature of accident, particularly the subsequent conduct of the concerned police while drawing spot Panchanama and recording of statements of the witnesses, the evidence of witness Ajay Yadav is not shaken in the cross examination. However, the credibility as to his evidence cannot be drawn but if other all evidence is considered together, it is established that the husband of the claimant died in the vehicular accident. The rash and negligent act is to be determined on merit. Considering all these aspects, the application is partly allowed. The applicants are permitted to withdraw 50% amount out of the deposited amount, on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.

(SANJAY A. DESHMUKH, J.)

rlj/