



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

940 FIRST APPEAL NO. 3081 OF 2024

New India Insurance Company Ltd.,
VERSUS
Rekha Shankar Landge And Others

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Mr. Deshmukh Mohit Rameshrao, Advocate for Appellant
Mr. Tanvi V. Jadhav, Advocate for Respondent Nos.1 to 5

WITH

**CIVIL APPLICATION NO. 13896 OF 2025
IN FA/3081/2024**

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 17.02.2026

PER COURT :-

**CIVIL APPLICATION NO. 13896 OF 2025
IN FA/3081/2024**

1. This is an application seeking permission to withdraw the amount deposited in this Court pursuant to the impugned judgment and award.

2. Heard learned advocates for both sides.

3. Learned advocate for the respondent–Insurance Company strongly opposed the application and submitted that there is a delay of 22 days in lodging the report. There is no oral or documentary evidence to establish that the offending vehicle was involved in the accident. He further submitted that if the

application is allowed, it would be difficult to recover the amount in case the respondent succeeds in the appeal. Therefore, he prayed to reject the application.

4. Learned advocate for the applicants submitted that the occurrence of the vehicular accident is established from the lodging of the report. The post-mortem report also corroborates the accidental death of the husband of applicant No.1. Mere delay in lodging the report cannot be a ground to reject the case of the applicants. He therefore prayed to allow the application.

5. On perusal of the impugned judgment and the application, it appears that a road traffic accident had occurred in which the husband of applicant No.1 sustained serious injuries. He was under medical treatment from 30.12.2018 to 07.01.2019 and ultimately succumbed to the injuries on 07.01.2019. It is stated that the applicants are illiterate and that the deceased, Shankar, was under continuous medical treatment during the aforesaid period, therefore, the FIR came to be lodged on 22.01.2019 after performing the last rites and rituals. Considering all these aspects, it would be proper to allow the application partly. Hence, the following order:

::ORDER::

- a. The application is partly allowed.
- b. The applicants are permitted to withdraw 50% of the amount with accrued interest thereon out of the amount deposited by the appellant in this court.
- c. The Registry is directed to transmit the said amount to the learned Motor Accident Claims Tribunal, Ambajogai District Beed, which shall thereafter disburse that amount to the applicants/claimants accordingly. The Tribunal shall disburse the said amount to the claimants in accordance with the apportionment and directions contained in paragraph No.33 of the impugned judgment.
- d. The applicants shall submit undertaking for withdrawal of the said amount before the Superintendent/Registrar of learned Tribunal and the Tribunal shall forward it to this Court.

[SANJAY A. DESHMUKH, J.]

HRJadhav