



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

138 CIVIL APPLICATION NO. 1354 OF 2026
IN FA/49/2022
WITH
FIRST APPEAL NO. 49 OF 2022
WITH
CIVIL APPLICATION NO. 383 OF 2022
IN FA/49/2022

SUMAN SANJAY KHEDKAR AND ORS
VERSUS
THE MANAGER, THE NEW INDIA ASSURANCE CO. LTD., THR ITS DIV.
MANAGER, AURANGABAD

...
Advocate for Applicant/Claimant : Mr. Mayure Pramod C.
Advocate for Respondent no. 1 : Mr. S. R. Bodade
Advocate for Respondent nos. 2 & 3 : Mr. Suhas R. Shirsat

...
CORAM : SHAILESH P. BRAHME, J.

DATE : 23.03.2026

PER COURT :

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

1. Heard both sides.
2. The applicants seek to withdraw amount of Rs. 33,82,481/- deposited by the respondent-Insurance Company.
3. Deceased Sanjay Ganpat Khedkar died on 30.06.2018 due to accident occurred on 15.06.2018. The offending vehicle is ensured with respondent no.1. Deceased was working as a peon in the District Court. The death is caused due to the alleged rash and negligent driving of the offending vehicle and insurer is stated to be liable to pay the compensation.
4. The learned counsel for the applicants seeks withdrawal of amount on

the ground that he was the only earning member of the family. The applicants have adequately placed on record additional evidence. It is contended that no counter oral evidence is adduced by the respondent-Insurance Company.

5. Learned counsel Mr. Bodade for the respondent-Insurance Company submits that the offending vehicle is a implanted vehicle. The eye witness was unable to state the registration number. The factum of accident and involvement of the vehicle are shrouded with doubt. The insurance company cannot be said to be liable. The spot panchnama is stated to be concocted.

6. No oral evidence has been adduced by the respondent-Insurance Company. Nor any complaint has been made by it to the concerned police station regarding false implication and implanting of vehicle. Whether the accident in question and involvement of the offending vehicle is false or not can be adjudicated at the time of final hearing. I find it appropriate to permit the applicants to receive the amount deposited by the respondent-insurance company to the extent of 75%. The amount withhold is sufficient to safeguard the interest of the insurance company.

7. Civil Application is allowed partly permitting the applicants to receive 75% of the deposited amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank.

8. The Civil Application is disposed of.

FIRST APPEAL :

9. **Admit.** Learned counsel Mr. Mayure waives service for the Claimants. Learned counsel Mr. Shirsat waives service for respondent nos. 2 and 3.

10. Call for record and proceedings.

11. Print is dispensed with.

CIVIL APPLICATION FOR STAY :

12. As the Insurance Company has deposited the entire amount of compensation, *ad interim* relief granted earlier shall stand confirmed.

13. Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-