



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5419 OF 2026
IN
FIRST APPEAL (ST) NO. 29164 OF 2025

Ashwini Sachin Rokade and Others

..APPLICANTS

VERSUS

Divisional Manager
Bajaj Allianz General Insurance Co. Ltd.
And Another

..RESPONDENTS

....
Mr. V.S. Badakh, Advocate for Applicants
Mr. M.R. Deshmukh, Advocate for Respondents
....

CORAM : ABHAY J. MANTRI, J.
DATE : 07th MAY, 2026

PER COURT :

1. The Applicants / Original Claimants have moved this Application for permitting them to withdraw the amount of Rs. 13,56,026/- along with accrued interest thereon, deposited by Respondent No.1 – Insurance Company.
2. Heard learned counsel for the Applicants and Respondent No.1 – Insurance Company and perused the impugned judgment and record.
3. Learned counsel for Respondent No.1 – Insurance Company opposes the Application on the ground that the driver of the vehicle was not holding a driving license, and therefore, Insurance Company is not liable to pay the amount.

4. It appears that the Claimants are the legal heirs of the deceased – Sachin Rokade, who died in a road accident on 29th January, 2023. He was the only earning member of the family. Due to his death, the Applicants have filed this Application seeking permission to withdraw the amount. Though the employer served, no one appeared for him in the Appeal. Also, he did not appear in the matter before the learned Trial court, and the matter was proceeded *ex parte* against him. The learned Commissioner for Employees Compensation and Judge, Labour Court, Ahmednagar, after considering the evidence placed before it, held that the Applicants are entitled to receive compensation of Rs. 10,49,600/- along with 12% interest. It is also observed that Respondent No.1 – Insurance Company also failed to prove that the deceased was not holding a valid driving license.

5. Learned counsel for Respondent No.1 – Insurance Company submitted that Respondent No.1 did not get any particulars in respect of the driving license of the deceased, provided by any of the parties to them. Therefore, they could not obtain the necessary documents or information from the concerned authority, whether the deceased held a valid driving license or not.

6. However, considering the defence of the insurer and the fact that it also failed to produce any document on record to show that the deceased was

not holding a valid driving license, the amount was awarded by the learned Commissioner.

7. In view of the above submission and the facts of the case, I deem it appropriate to allow the Applicants to withdraw 50% of the compensation amount deposited by the Insurance Company before the learned Trial Court.

8. As a result, **the Civil Application is partly allowed.** The Applicants are permitted to withdraw 50% of the compensation amount deposited by the Insurance Company before the learned Trial Court, on the condition that the Applicants shall file an undertaking to the learned Commissioner for Compensation Act and Judge of Labour Court, Ahmednagar, that they shall redeposit the said amount in case an adverse order is passed. A copy of this order shall be placed on the record of the Appeal.

9. Since Applicant Nos. 2 and 3 are minors, Applicant No.1 is permitted to withdraw the amount on their behalf. The remaining compensation amount shall be deposited into the fixed deposit.

10. Civil Application is disposed of.

(ABHAY J. MANTRI, J.)

SSD