

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 12026 OF 2025
IN
FIRST APPEAL NO. 672 OF 2025

Sultana Mohammad Taufique Ansari And Ors. ... Applicants

IN THE MATTER BETWEEN

Mgama General Ins. Co. Ltd. ...Appellant

Versus

Sultana Mohammad Taufique Ansari And Ors. ...Respondents

Mr. T. R. Kale i/b Samrat Ingle, for the Applicants/Original
Respondents.

Ms. Kalpana Trivedi, for the Appellant.

CORAM: R. M. JOSHI, J.

DATED: 9th FEBRUARY, 2026

PC:-

1. This Application is filed by the applicants for withdrawal of the amount of compensation deposited by the Appellant/Insurer pursuant to the order passed by this Court dated 24th March, 2024.

2. It is the contention of the learned Counsel for the applicants that the applicants are third party and as such, has no role in the occurrence of the accident. It is submitted that in the circumstances, the amount deposited by the insurer be permitted to be withdrawn. It is further submitted that the charge-sheet has been filed against the driver of the offending truck and as such, there is no merit in the Appeal.

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3. Learned Counsel for the appellant opposed the application by contending that a specific plea has been raised before the Tribunal with regard to the negligence on the part of the driver of the truck or involvement of the truck in the accident in question. In this regard, reference is made to the First Information Report which came to be lodged on the next day of the occurrence of the accident, wherein there is no mention about the involvement of the truck.

4. Prima facie perusal of the record, so also, the observations made by the Tribunal indicate that on the basis of CCTV footage involvement of the offending truck in the accident was found. Further, the record shows that charge-sheet has been filed against the driver of the offending truck. He was not examined before the Tribunal in order to prove otherwise. Having regard to this fact, there is this Court finds no impediment in allowing the application. Hence, following order.

ORDER

- a) The Application is allowed.
- b) The applicants are permitted to withdraw 50% amount alongwith accrued interest thereon on usual undertaking and remaining 50% amount on furnishing of one solvent surety.
- c) Application stands disposed of accordingly.

(R. M. JOSHI, J.)