



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO. 4466 OF 2026  
IN FA/2689/2025  
WITH CIVIL APPLICATION NO. 10860 OF 2025  
IN FA/2689/2025

SATISH MANOHAR DUDHBHATE DIED THR LRS LALITA SATISH  
DUDHBHATE AND ANR

VERSUS

THE ORIENTAL INSURANCE COM LTD AND OTHERS

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Mr. J. S. Kadam, Advocate for the applicants

Mr. M. D. Shinde h/f Mr. M. K. Goyanka, Advocate for the respondents.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 17<sup>th</sup> APRIL, 2026

P. C. :-

ORDER BELOW CIVIL APPLICATION NO. 4466 OF 2026

1. This is an application seeking withdrawal of the amount.
2. Perused the application. Heard learned advocates for both the sides.
3. Learned Advocate for respondents strongly opposed the application and submitted that there is doubtful evidence of negligence on the part of the rider of the motorcycle. He pointed out that the sketch showing the spot panchnama has been denied by the claimant in his cross-examination.

However, the Court has held the insurance company liable to pay the compensation. He, therefore, prays for rejection of the application.

4. Considering the peculiar facts of this case, the application deserves to be allowed partly. The application is thus partly allowed. Hence, the order.

#### **ORDER**

- (i) The application is partly allowed.
- (ii) The Registry is directed to pay 50% of the amount to the claimant, subject to usual undertaking, along with accrued interest and costs to the extent of share of applicant No.1.

#### **ORDER BELOW CIVIL APPLICATION NO. 10860 OF 2025**

5. This is an application for seeking granting stay to the execution, operation and implementation of judgment and award.

6. Perused the application. Heard learned advocate for both sides. Considering the peculiar facts of the case and the grounds stated in the application, stay is granted subject to deposit entire amount of compensation under award alongwith interest accrued and cost, within 12 weeks from today. With this condition, application is allowed and disposed of accordingly.

7. It is clarified that if the amount, as directed above, is not

deposited within the aforesaid period, the stay granted by this Court shall stand vacated without further reference to the Court.

8. In First Appeal, issue notice to the Respondents, returnable on 30<sup>th</sup> June, 2026.

**(SANJAY A. DESHMUKH, J.)**

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