



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

916 CIVIL APPLICATION NO. 12949 OF 2018  
IN FA/3121/2018

SUREKHA SUNIL GAWALE AND ORS  
*VERSUS*  
SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH  
MANAGER, AURANGABAD AND ANR

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Advocate for Applicants : Mr. S. K. Shirse.  
Advocate for Respondent No.1 : Mr. A. P. Basarkar.

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CORAM : SHAILESH P. BRAHME, J.  
DATE : 05.05.2026

PER COURT :-

1. Heard both sides.
2. Applicants seek to withdraw amount of Rs.6,01,864/- deposited by the respondent/insurance company.
3. It's a death claim and sitting capacity of the offending vehicle is driver + 1 person. The claim is covered by the policy. The meager amount is granted and the amount deposited is solicited to be withdrawn.
4. Application is contested by learned counsel Mr. Basarkar. He would submit that the deceased was a gratuitous passenger. His liability is not covered by the insurance policy.

5. Both sides have raised contentious issues which can be dealt with during the course of hearing of the first appeal. It's a death claim. The ends of the justice would be sub served in permitting the applicants/claimants to receive Rs.2,50,000/- for the claim.

6. Civil application is allowed partly permitting the applicants to receive the amount.

7. The amount shall be disbursed as per the apportionment given by the Tribunal.

**(SHAILESH P. BRAHME, J.)**

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vmk/-