

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 7914 OF 2017 IN FA/3590/2016

RANDHIRSINGH GANGANSINGH MADNOORKAR AND ANOTHER
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.

...
Advocate for Applicant : Mr. P. C. Mayure.
Advocate for Respondent : Mr. S. G. Chapalgaonkar.
...

CORAM : K.K. SONAWANE, J.

DATED : 25TH SEPTEMBER, 2017.

Order :-

Heard learned counsel for the applicant-original claimant and learned counsel for the respondent. The learned counsel for applicant fairly conceded that, amount awarded by the learned Tribunal under the different head is not admissible under Section 163-A of the Motor Vehicles Act, 1988. Therefore, the claimant is not claiming the same. But, he put-forth extract of the policy and submits that, as the policy covers for two passengers of Rs.18,000/- (Rs. Eighteen Thousand Only) each and Rs.50,000/- (Rs. Fifty Thousand Only) towards medical expense. Therefore, he claimed Rs.33,000/- (Rs. Thirty Three Thousands Only), the amount for which claimant is legally entitled to get as a compensation under Section 163-A of the Motor Vehicles Act, 1988.

2. The learned counsel for respondent- original appellant has raised objection, but, considering submission canvassed on behalf of the applicant, I find it justifiable to allow the applicant, who suffered injuries during vehicular accident to withdraw sum of Rs.33,000/- (Rs. Thirty Three Thousand Only) [i.e. Rs.18,000/- towards policy cover and Rs.15,000/- towards medical expenses] from the amount deposited by the Insurance Company in this appeal. Hence, application stands partly allowed. The applicant is permitted to withdraw of Rs.33,000/- (Rs. Thirty Three Thousand Only) from the amount deposited by the appellant-Insurance Company in this case.

3. Registry to do needful for disbursement of the amount in favour of applicant. The balance of deposited amount by the respondent- Insurance Company be invested in Fixed Deposit Receipts Account for a period of two (2) years or till adjudication of appeal on merit, whichever is earlier. The applicant shall furnish undertaking to the satisfaction of the Registrar (Judicial) to the effect that, in case any adverse situation arises after decision of the present appeal, the applicant will refund the received amount forthwith. Accordingly, civil application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.