

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

CIVIL APPLICATION NO. 3985 OF 2018
IN
FIRST APPEAL [STAMP] NO. 19408 OF 2017

Suryabhan Gundaji Mane .. Applicant

versus

ICICI Lombard General
Insurance Co. Ltd. and ors. .. Respondents

Mr. Manoj D. Shinde, Advocate for applicant
Mr. Abhijit G. Choudhari, Advocate for respondent no. 1

CORAM : SUNIL P. DESHMUKH, J.
DATE : 21st March, 2018

ORDER :

1. Heard learned counsel for the parties.
2. The accident took place in 2010. The claim petition has been decided in 2017 and an amount of Rs.1,20,000/- with interest thereon at the rate of 6 per cent per annum from the date of application has been awarded.

3. Learned counsel for respondent - insurance company contends that insurer of the vehicle may not be liable. It is, in fact, the other vehicle owner who would be liable.

4. However, learned counsel for applicant submits that the claimant should not be held at bay for this purpose. Applicants are in dire need of money.

5. Learned counsel for the applicant refers to the decision in the case of *Khenyei vs. New India Assurance*, reported in 2015 (2) T.A.C., 677 and submits that claimant can recover amount from both or anyone of the joint tort-feasors.

6. In the circumstances, it would be appropriate to allow the applicant to withdraw the amount deposited.

7. Learned counsel for the applicant submits that the applicant is from village Madansuri, Taluka Nilanga and, therefore, prays that the amount be transferred to the motor accident claims tribunal, Nilanga.

8. As such, the amount deposited be transferred to the motor accident claims tribunal, Nilanga for withdrawal by the applicant. Applicant shall file undertaking before said tribunal

to the effect that in the event the first appeal is decided adverse to his interest, he would pay back / deposit the amount in this court within a period of three months from the date of decision in the first appeal with copy thereof to be supplied to this court.

9. Civil application is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd