

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

FIRST APPEAL NO. 1049 OF 2021

THE TATA AIG GENERAL INSURANCE CO. LTD  
THR ITS LEGAL OFFICER AND OTHERS  
VERSUS  
MADEENABAI BISMILLAH TADVI AND OTHERS

...  
Advocate for Applicant : Mr. S. S. Patil  
Advocate for respondent No. 1 to 3: Mr. C. V. Bodkhe h/f  
Mr. R. V. Gore  
...

**CORAM : S. G. DIGE, J.**  
**DATE : 19.07.2022**

**PER COURT :-**

Appellant has challenged the order passed by learned Member Motor Accident Claim Tribunal Jalna dated 9<sup>th</sup> March 2020 below Exh.5 in claim petition No. 20 of 2016 whereby learned tribunal has directed the appellant to pay amount of Rs. 50,000/-.

2. Learned counsel for appellant submits that the appellant has taken stand before lower court that policy issued to the vehicle involved in the accident is fake. The appellant needs to lead evidence in that regard. In this application, this court can allow the respondent Nos. 1 to 3 to withdraw the

amount deposited by appellant subject to outcome of decision under Section 166 of the Motor Vehicle Act pending before the learned tribunal.

3. Considering the submissions of the learned counsel for the appellant and learned counsel for respondent Nos. 1 to 3, I pass the following order :-

**ORDER**

(i) The First Appeal is partly allowed.

(ii) Respondent Nos. 1 to 3 are permitted to withdraw the amount of Rs. 50,000/- (Rupees Fifty thousand) along with accrued interest thereon subject to outcome of the decision of pending application before the learned tribunal under section 166 of the Motor Vehicle Act.

(iii) The learned Motor Accident Claim Tribunal at Jalna requested to dispose of the pending application under Section 166 of the Motor Vehicle Act as early as possible preferably within six months from the receipt of the order.

(iv) The First Appeal is disposed of accordingly.

**( S.G. DIGE, )  
JUDGE**