

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

917 CIVIL APPLICATION NO.7365 OF 2023
IN FIRST APPEAL NO.3151 OF 2022

GANESH RAMBHAU CHOUDHARY
THROUGH HIS NEXT FRIEND
REKHA GANESH CHOUDHARY
VERSUS
RAJKUMAR BABULAL YADAV & OTHERS

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Advocate for the applicant : Mr.A.T.Kanawade
Advocate for Respondent no.3 : Mr.S.S.Rathi

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 02.08.2023

P.C. :

1] The present Civil Application is filed to permit the present applicant to withdraw the amount of compensation, deposited in this Court by the appellant Insurance Company.

2] Heard the learned counsel for the parties. The Insurance company has challenged the award of compensation of Rs.24,60,895/- in favour of the claimant. The Insurance Company has challenged the award on two

counts, namely, total quantum of compensation, so also, contributory negligence.

3] On 16.06.2022, the Member, Motor Accident Claims Tribunal, Aurangabad has passed following order in MACP No.64 of 2018 :

ORDER

1. *The Petition is partly allowed.*
2. *Opponents no.1 to 3 are liable to pay the compensation amount Rs.24,60,895/- (Rupees Twenty Four Lakhs Sixty Thousand Eight Hundred Ninety-Five Only) including the NFL amount of Rs.25,000/- to the petitioner with interest thereon at the rate of interest 7.5% per annum from the date of this application till realization of entire amount.*
4. *The petitioner to pay deficit court fee, if any, before the disbursement of the compensation.*
5. *Opponents shall pay the proportionate costs to petitioner and bear their own.*
6. *Award be drawn accordingly.*

4] If the Insurance company's appeal is accepted, the amount of compensation that would be received by the

injured would not be less than Rs.10,00,000/-. In view of the same, the following order is passed :

ORDER

i] The applicants are permitted to withdraw the amount of Rs.6,00,000/- along with interest accrued thereon. Undertaking to be filed by the wife of the applicant as the applicant is not in a position to travel. The amount to be disbursed in the name of the applicant.

ii] Civil Application is disposed of accordingly.

**[ARUN R. PEDNEKER]
JUDGE**

DDC