



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

**CIVIL APPLICATION NO. 1234 OF 2024
IN FA/234/2016**

DEEPAKSING @ LAKHANSING SURJITSING @ MUKUNDASING PANJABI
VERSUS

HDFC ERGO GENERAL INSURANCE CO. LTD., AURANGABAD AND ANR

....

Ms Sahabat T. Kazi, Advocate for Applicant

Mr. M. R. Deshmukh, Advocate for Respondent No.1

....

CORAM : Y. G. KHOBRAGADE, J.

DATE : 12 MARCH 2024

PER COURT :-

1. Heard Ms Sabahat T. Kazi, the learned Counsel appearing for the applicant and the learned Counsel for respondent No.1 – insurance company at length.

2. By the present application, the applicant prays for permission to withdraw the entire amount towards compensation deposited by the insurance company on the ground that on 29.08.2015, the learned Member, Motor Accident Claims Tribunal, Jalgaon, has passed the judgment and award in M.A.C.P No.88 of 2022 and granted compensation to the tune of Rs.17,64,800/- including the no fault liability with interest @ 7.5% p.a., from the

date of petition till its realization. However, the said award has been questioned by the insurance company in First Appeal No.234 of 2016.

3. On 29.11.2023, this Court has pronounced the judgment and dismissed the appeal of the insurance company. Therefore, the original claimant is entitled for the said compensation. Hence prayed for permission to withdraw the amount. The right of the parties has been adjudicated by this Court and as such, the insurance company raised no objection.

4. In view of the above, I am inclined to grant the present application and proceed to pass the following order:-

ORDER

- (i) The civil application is allowed.
- (ii) The applicant – original claimant is permitted to withdraw the entire amount of compensation with accrued interest thereon, which have been deposited in this Court.
- (iii) The Registry of this Court is hereby directed to release the payment of compensation in favour of the applicant-original claimant after conducting due verification.

[Y. G. KHOBRADE, J.]