



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5734 OF 2024
IN FAST/37225/2023

HEENA WO SAYYAD KASIM AND ORS

VERSUS

NEW INDIA ASSURANCE CO LTD THROUGH ITS DIVISIONAL MANAGER
AND ANR

Mr.S.N. Janakwade, Advocate for the applicants.

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

CORAM : KISHORE C. SANT, J.

DATED : 25.06.2024

PC :-

01. Heard learned Advocates for the parties. This application is for withdrawal of the amount.

02. The learned Advocate for the insurance company opposes the application vehemently. He submits that this is a claim under section 163-A of the Motor Vehicles Act. As per the case of the claimant, the claimant was employed as a driver on the tractor belonging to some other person and not is an employer. In that case the driver would become gratuitous driver and would step in the shoes of owner and will not be entitled to claim any compensation. He further submits that the case of the claimant is not as per the police paper.

03. Considering that the amount awarded is only Rs.4 lakhs and it is a policy under section 163-A of the MV Act, this Court finds that the applicant – claimant can be permitted to withdraw 75% of the amount along with accrued interest on furnishing undertaking that in-case the appeal is allowed, they will re-deposit the amount within 12 weeks of such order.

04. The civil application is accordingly allowed and is disposed off.

[KISHORE C. SANT, J.]