



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

**CIVIL APPLICATION NO. 5226 OF 2024
IN FA/1759/2024**

**AFSARKHAN SHERKHAN TAKARI
VERSUS
THE ORIENTAL INSURANCE CO.LTD AND ANR**

...

Mr. Madhav M. Bhokarikar, Advocate for Applicant.

Mr. Ujwal Patil h/f Mr. S M. Ganachari, Advocate for Respondent
No.1.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 20th AUGUST, 2024.**

P.C.:-

1. This is an application for withdrawal of amount by original claimants in M.A.C.P. No.555/2019.
2. The Tribunal passed an Award of Rs.3,69,627/- alongwith interest at the rate of 9% per annum in favour of claimants. The insurer of the offending vehicle filed Appeal before this Court on the ground of negligence. It is alleged that deceased was pillion rider on the motorcycle. The rider of the said motorcycle was negligent while riding motorcycle and dashed against stationery vehicle.
3. It appears that offence was registered against driver of the insured vehicle. The Tribunal after considering aforesaid facets of the matter, concluded that offending vehicle driver was negligent and responsible for causing accident. There is no dispute that applicant/claimant has suffered permanent disablement to the extent of 15%. The medical and hospital bills worth Rs.67,587/- are placed on record. Apart from that, other expenses for traveling etc. are also considered.

4. In that view of the matter, the applicant can be permitted to withdraw amount of Rs.3,00,000/- from the amount deposited by the Insurance Company. Hence, following order:

ORDER

- a. Civil Application is allowed.
- b. The applicant is permitted to withdraw Rs.3,00,000/- from the amount deposited with the Registry of this Court alongwith interest accrued thereon subject to usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- c. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/August-2024