



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

978 CIVIL APPLICATION NO. 8437 OF 2024
IN FAST/35477/2023

Shivnanda Laxamn Darade And Another

VERSUS

The Branch Manager, The New India Assurance Co Ltd And
Another

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Advocate for Applicant : Mr. Khande Avinash A.

Advocate for Respondent 1 : Mr. S. R. Bodade

CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 13, 2024

PER COURT :-

1. Heard learned advocates appearing for the respective parties.
2. The appeal is filed by Insurance Company assailing the award passed by the tribunal dated 4.7.2023 in MACP No.195 of 2018.
3. Learned advocate appearing for the applicants/claimants submits that the Tribunal, after considering material on record awarded total compensation of Rs.14,22,000/- in favour of the claimants alongwith interest @ 7% pa. Insurance company has deposited the amount of Rs.19 Lakhs with the Registry of this Court. Therefore, he seeks permission to withdraw this amount.
4. Per contra, Mr. Bodade, learned advocate appearing for the Insurance Company strenuously opposed the application.

He would submit that vehicle in question was not registered with the RTO as on the date of the accident. Further, there were four persons travelling at the time of accident. As such, there is breach of policy.

5. Having considered the submissions advanced, it is not in dispute that deceased lost his life on account of the accident. Tribunal has assessed the compensation based on the evidence tendered into service. Claimants are dependents of the deceased. In that circumstances, purpose would be served if the applicants are permitted to withdraw 50% of the amount deposited with the Registry of this Court subject to furnishing of usual undertaking to the satisfaction of the M.A.C.T., Latur. Civil application stands disposed off.

6. The Registry to transfer the amount permitted to be withdrawn under this order to the Motor Accident Claims Tribunal, at Latur.

(S. G. CHAPALGAONKAR, J.)

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