



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 CIVIL APPLICATION NO. 8435 OF 2024
IN FA/3185/2023

Sumanbai Madhukarrao Thombare

VERSUS

Bajaj Alliance General Insurance Company Ltd And Anr

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Advocate for Applicant : Mr. U.M. Mhaske h/f S.B. Ghatol Patil

Advocate for Respondents : Mr. M. R. Deshmukh For R/1

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 13, 2024

PER COURT :-

1. Heard learned advocate appearing for the applicant and learned advocate for respondent insurance-company.

2. Respondent Insurance company has assailed the award passed by the Tribunal on two grounds. Firstly, that the vehicle in question was not having valid permit on the date of accident. Secondly, compensation awarded is excessive and exorbitant.

3. So far as first ground is concerned, the claimant/applicant would be entitled to receive compensation amount although insurer may insist for pay and recovery award as against the owner. So far as second contention is concerned, reliance is placed on findings recorded in paragraph no.18 of the judgment to contend that compensation towards future medical expenses has been

granted merely on the basis of certificate issued by the Medical Practitioner at Private Hospital.

4. Considering the submissions advanced, application is partly allowed. The applicant is permitted to withdraw 75% of amount alongwith interest accrued thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Civil application is disposed off.

(S. G. CHAPALGAONKAR, J.)

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