



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO. 796 OF 2020
IN FA/175/2019

SANDIP NAMDEO MANKAPE
VERSUS
FUTURE GENERALI GENERAL INSURANCE CO. LTD., THR ITS
MANAGER, MUMBAI AND OTHERS

...
Advocate for Applicant : Mr. R.V. Gore
Advocate for Respondent No.1 : Mr. S. S. Patil

...
CORAM : Y. G. KHOBRAGADE, J.

DATE : 03.05.2024

PER COURT :

1. Heard the learned counsel appearing for the applicant and the learned counsel appearing for the non-applicant-Insurance Company at length.

2. By the present application, the applicant/claimant prays for permission to withdraw the amount deposited by the non-applicant no.1-Insurance Company as per order dated 15.01.2019. It is submitted that the present applicant is the original claimant in Motor Accident Claim Petition No. 134/2011. On 28.04.2010, he allegedly met with an accident due to giving dash by Skoda Activa vehicle bearing No.MH-20-AF-100. The defence of the Insurance Company is

that the insurance cover note was fake. However, learned Motor Accident Claims Tribunal, Aurangabad held that no crime has been registered against the person who allegedly forged the cover note and granted compensation of Rs. 60,000/-.

3. Since the issue about genuineness of cover note is raised, but no such evidence has been produced by the Insurance Company, it will be just and proper to permit the applicant/claimant to withdraw 75% of compensation with accrued interest on furnishing undertaking, in case, this Court set aside the award in that event the claimant would re-deposit the entire amount with interest at the rate of 9% per annum from the order of this Court.

4. The learned Registrar (Judicial) to disburse the amount accordingly.

5. The Civil Application is disposed off.

(Y. G. KHOBRADE, J.)