



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

**CIVIL APPLICATION NO. 1408 OF 2025
IN FA/227/2025**

**SHAIKH HAQQANI ALIAS BABA SHAIKH BANE
VERSUS
TATA AIG GENERAL INSURANCE CO LTD AND ORS**

...
Mr. Pramod C. Mayure, Advocate for Applicant.
Mr. S. S. Patil, Advocate for Respondents.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 21st MARCH, 2025.**

P.C.:-

1. Heard Mr. Mayure, learned Advocate appearing for the applicant and Mr. Patil, learned Advocate appearing for respondents.
2. The applicant/claimant suffered injury in motor vehicular accident dated 21.09.2008. He filed claim under Section 166 of the Motor Vehicle Act against owner and insurer of offending motorcycle.
3. The Tribunal after evaluation of evidence, passed an Award directing respondents to pay compensation of Rs.10,94,000/- alongwith interest @ 6% per annum.
4. Aggrieved insurer filed present Appeal on the ground of quantum.
5. Mr. Patil, learned Advocate appearing for respondents submits that evidence of doctor on the point of permanent disablement is not accepted. The assessment of compensation is

exponential. The income of deceased is notionally considered as Rs.10,000/- without any basis.

6. Mr. Mayure points out that claimant had suffered head injury and extra dural hemorrhage.

7. Upon considering reasoning as adopted by Tribunal alongwith grounds of objection in Appeal, certainly claimant is entitled for partial withdrawal of amount. Hence, following order:

ORDER

- a. Civil Application is partly allowed.
- b. The claimant is permitted to withdraw amount of Rs.11,00,000/- out of amount deposited by insurance company on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court that he shall redeposit the amount in case adverse order is passed in Appeal.
- c. Such undertaking can be filed through next friend.

(S. G. CHAPALGAONKAR)
JUDGE