



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

92 CIVIL APPLICATION NO. 441 OF 2025
IN FAST/1152/2025

WITH

CIVIL APPLICATION NO. 1012 OF 2025
IN FAST/1152/2025

WITH

CIVIL APPLICATION NO. 1875 OF 2025
IN FAST/1152/2025

THE NEW INDIA ASSURANCE COMPANY LTD
VERSUS
PRAVIN JEEVANRAO INGOLE AND ANR

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Advocate for Applicant : Mr. Kadethankar Ajit B.
Advocate for Respondent No. 1 : Mr. S.S. Dargad

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CORAM : S. G. CHAPALGAONKAR, J.
Dated : 13.03.2025

PER COURT :-

ORDER ON DELAY CONDONATION APPLICATION :

1. Heard Mr. Ajit B. Kadethankar, learned Advocate appearing for applicant.
2. Applicant seeks to condone delay of 31 days caused in filing appeal. Perused reasons as stated in application. Apparently, it seems, delay is caused on account of administrative reasons. Applicant has not derived any advantage by making delay, hence sufficient cause is made out to condone delay. In result, application is allowed. Delay of 31 days caused in filing appeal stands condoned and application is disposed off.
3. Appeal be registered subject to removal of office objections, if any.

ORDER ON STAY APPLICATION :

4. Mr. Kadethankar, learned Advocate appearing for appellant submits

that entire amount as per award is deposited with registry of this Court. His statement is supported by office endorsement. Hence application stands allowed in terms of prayer Clause (B) and is disposed off.

ORDER ON WITHDRAWAL APPLICATION :

5. Heard learned Advocate appearing for respective parties.

6. Applicant who is original claimant in MACP No. 406 of 2020 filed this application seeking withdrawal of amount deposited in pursuance to award dated 06.08.2024, passed by Tribunal. Applicant suffered injuries in motor vehicular accident dated 29.07.2020. It is contention of applicant that he was dashed by offending vehicle bearing registration No. MH-23-AD-0282. Eventually he suffered amputation to his left hand from elbow. He had instituted claim seeking compensation under Section 166 of the Motor Vehicles Act.

7. Respondent/insurer contested claim, denying involvement of offending vehicle. Tribunal on evaluation of evidence accepted applicant's case and granted compensation of Rs. 24,86,287/- along with interest @ 12 p.a. Aggrieved insurer filed present appeal and carried forward its defence of non involvement.

8. Mr. Dargad, learned Advocate appearing for applicant points out that statement of applicant was recorded at hospital and is placed on record of tribunal at Exh. 29. The said statement was forwarded to Rural Police Station vide communication Exhibit 27. the statement depicts registration number of vehicle involved in incident. It is therefore, clear that within a period of about 7 days of the accident, applicant has disclosed identity of the vehicle involved in accident.

9. Tribunal appears to have considered all these aspects and finally accepted applicant case holding involvement of insurer of vehicle. In that view of the matter, prima-facie applicant has made out case of involvement of insured vehicle. In this background, applicant is certainly entitle for partial withdrawal of amount deposited by insurer.

10. In result, following order :

ORDER

(i) Application is partly allowed.

(ii) Applicant/Claimant is permitted to withdraw amount of Rs. 17,00,000/- (Rs. Seventeen Lakhs Only) out of amount deposited by the insurer along with accrued interest thereon till this date, subject to filing an undertaking to satisfaction of Registrar (Judicial) of this Court that he shall re-deposit amount in case adverse order passed in this appeal.

(iii) Civil Application stands disposed off.

ORDER IN APPEAL :-

11. After registration of appeal, issue notice to respondents, returnable on 24.04.2025.

12. Mr. Dargad, learned Advocate waives service of notice for respondent No. 1.

13. Call for record and proceedings.

14. Parties are put to notice that if time permits, appeal may be heard finally at stage of admission.

(S. G. CHAPALGAONKAR)
JUDGE

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