



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

**CIVIL APPLICATION NO. 2513 OF 2025
IN FA/614/2025**

Chaya Dipak Katari
VERSUS
Bhanudas Shripat Katari And Anr

...
WITH
CIVIL APPLICATION NO. 5827 OF 2024
IN FA/614/2025

The Branch Manager New India Insurance Corrected As
Assurance Company Ltd

VERSUS
Chaya Dipak Katari And Asother

...
Adv. S. R. Bodade, Advocate for Applicant
Shaikh Mazhar A. Jahagirdar And S.Y. Shaikh, Advocate for
Respondent No.1

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 16TH APRIL, 2025

PER COURT :-

CIVIL APPLICATION NO. 2513 OF 2025

1. Heard learned Advocates appearing for respective parties.
2. Claimant is seeking permission to withdraw the amount deposited by respondent/Insurance Company in pursuance to award dated 17.01.2024 passed in M.A.C.P. No.219 of 2017.

Claimant suffered injuries in the motor vehicular accident dated 02.05.2017. She instituted claim for compensation against owner and insurer of tempo, in which she was traveling at the time of accident, the claim was contested by the respondent/insurer on the ground that the claimant was unauthorised passenger in goods carriage. Secondly, she has not suffered injuries, particularly permanent disablement as claimed. The Tribunal after evaluation of evidence, concluded that the claimant suffered 25% permanent disablement and eventually awarded the compensation of Rs.2,03,900/- alongwith interest at the rate of 7% per annum.

3. Mr. Bodade, learned Advocate appearing for respondent/Insurance Company submits that the claimant being unauthorised passenger in goods carriage, would not be entitle for compensation from the Insurance Company.

4. The Tribunal appears to have recorded finding that the claimant was traveling alongwith goods, as such, her risk is statutorily covered under Section 147 of Motor Vehicles Act, 1988. Medical Certificate issued by Government Hospital at Ahmednagar indicates that claimant suffered 25% permanent disablement.

5. In that view of the matter, particularly, looking to the reasoning adopted by the Tribunal, claimant is certainly entitled for partial withdrawal of the amount. Hence following order:

ORDER

- i. Civil Application is partly allowed.
- ii. Applicant is permitted to withdraw 50% compensation amount as deposited by the respondent/Insurance Company alongwith accrued interest, subject to condition that she files an undertaking to the Registrar (Judicial) of this Court that she will re-deposit the amount, in case adverse order is passed in appeal.

CIVIL APPLICATION NO. 5827 OF 2024

1. Heard Mr. Bodade, learned Advocate appearing for applicant.
2. He points out that entire amount as per award passed by the Tribunal is deposited in this Court. His statement is supported by office endorsement. Hence, Civil Application is allowed in terms of prayer clause 'B' and disposed of.

(S. G. CHAPALGAONKAR, J.)