



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 2131 OF 2025 IN
FAST/34863/2024

Nilesh Wamanrao Dhakad

Versus

The Sbi General Insurance Company Limited and another

...

Ms M.V. Narwade h/f Mr. V.P. Narwade advocate for applicant
Mr. Swapnil Patil h/f R.H. Dahat advocate for respondent

...

AND

CIVIL APPLICATION NO. 13877 OF 2024 IN FAST/34863/2024

The Sbi General Insurance Company Limited

VERSUS

Nilesh Wamanrao Dhakad And Anr

...

Advocate for Applicant : Mr. Swapnil Patil h/f R.H. Dahat
Advocate for Respondent 1 : Mrs M.V. Narwade

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 19, 2025

ORDER :-

CA for withdrawal of the amount :-

1. Heard learned advocates appearing for the respective parties.

2. The applicant/original claimant seeks permission to withdraw the amount deposited by the appellant/insurer in pursuance to the award passed by the Tribunal in M.A.C.P No.507 of 2018. The claimant suffered injuries in the accident dated 30.3.2018. It is alleged that he was proceeding on

motorcycle which was dashed by the insured car bearing registration No.MH-12-NU-7601.

3. Claim was contested by the insurer doubting involvement of the insured vehicle for the reason that there is delay of about 10 days in lodging the FIR. Apart from that, immediately after admission in the hospital, claimant has merely disclosed cause of accident as fall from the motorcycle. Tribunal, relying upon police investigation papers, concluded that accident occurred due to involvement of the insured vehicle. Consequently, passed an award granting compensation.

4. The appellant/insurer carried forward its defence of non-involvement of the vehicle, so also assails quantification of the award.

5. Looking to the controversy involved and reasons as adopted by the Tribunal, certainly, claimant is entitled for partial withdrawal of the amount, subject to certain conditions. In the result, following order is passed :-

O R D E R

- i. The application is partly allowed.
- ii. The applicant/claimant is permitted to withdraw 50% of the compensation amount of award as deposited by the insurer alongwith accrued interest thereon subject to filing of an undertaking to the satisfaction of the Registrar (Judicial) of this Court,

that in case, adverse order is passed in appeal, the applicant shall re-deposit the amount in this Court.

iii. Civil application stands **disposed of**.

CA for Delay : -

6. The applicant to take steps against respondent no.2 within a period of two weeks from today.

7. In case of failure to take steps, application shall stand dismissed against unserved respondent without further reference to this Court.

(S. G. CHAPALGAONKAR, J.)

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