



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

56 CIVIL APPLICATION NO. 3029 OF 2025
IN FAST/27151/2024

Sujit Kashinath Pansare Through Guardian Brother Ajit
Kashinath Pansare

VERSUS

Branch Manager Cholamandalam Insurance Company Ltd And
Anr

...

Advocate for Applicant : Mr. Narwade Narayan Bhausaheb

Advocate for Respondent 1 : Mr. Abhijit Choudhari

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 25, 2025

PER COURT :-

1. Heard learned advocates appearing for the respective parties.

2. The applicants seek permission to withdraw the amount deposited by respondent/insurer in pursuance to the award passed by the M.A.C.T. Ahmednagar in MACP no.26 of 2019. The applicant/original claimant suffered injuries in motor-vehicular accident dated 30.5.2018. It is contended that the offending tractor bearing registration no.MH-17/BV 2590 insured with respondent no.1/insurance company was driven in rash and negligent manner and dashed against the tractor on which claimant was sitting. Eventually, he suffered injuries resulting into permanent disablement.

3. The claim petition was contested by the respondent insurer on multiple grounds. The Tribunal, on evaluation of the evidence passed award for Rs.25,27,200/- alongwith interest @ 7% p.a. Insurer filed appeal impugning the award on the ground of composite negligence and quantum.

4. Considering the submissions advanced and reasons as stated in the application, certainly, applicant is entitled for partial withdrawal of the amount.

5. In the result, application is **partly** allowed. Applicant/claimant is permitted to withdraw 70% compensation amount as deposited by the appellant/insurer 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, he shall re-deposit the amount. CA stands disposed of.

(S. G. CHAPALGAONKAR, J.)

...

aaa-