IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4166 OF 2025
IN FA/137/2025

DEVIDAS S/O VITHAL SATAPUTE
VERSUS
BRANCH MANAGER, CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LTD AND ORS

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Mr. Madhav Chandikadas Ghode, Advocate for Applicant.
Mr. Abhijit Choudhari, Advocate for Respondent No.1.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 17th APRIL, 2025.

P.C.:-

1. Heard learned Advocates appearing for respective parties.

2. The applicant is seeking permission to withdraw amount deposited by respondent/Insurance Company in pursuance to award dated 29.08.2024 passed by Motor Accident Claims Tribunal, Aurangabad in M.A.C.P. No.107/2021.

3. The claimant instituted claim under provision of Section 166 of the Motor Vehicles Act contending that his son Shankar Satpute met with an accident on 04.10.2020. The offending motorcycle bearing Registration No.MH-20-FN-5203 gave dash to motorcycle of deceased. In result, he suffered fatal injuries. According to claimant, deceased was serving as Helper in Matrix Company at MIDC and getting salary of Rs.12,000/- per month and claimant was dependent on his income.

4. The claim was contested by respondents denying theory of accident involving insured vehicle. According to them, vehicle has been falsely implicated. The Tribunal after considering defence as

raised by respondent and documentary evidence tendered by claimant, accepted case as to accident involving insured vehicle and passed award for Rs.14,14,000/- alongwith interest @ 7.5% per annum in favour of claimant. The aggrieved insurer filed present appeal carrying forward it's defence as raised before Tribunal.

5. Perused reasons as recorded by Tribunal. Apparently, on the basis of police papers, Tribunal accepted that accident occurred due to involvement of insured vehicle and deceased died due to rash and negligent driving of the same.

6. Mr. Choudhary, learned Advocate appearing for respondent/Insurance Company points out that even quantification of compensation is at higher side. Further the owner of insured vehicle could not produce driving license inspite of service of notice under Section 134 of Motor Vehicles Act.

7. The aforesaid defence can be elaborately considered at the time of final hearing. However, looking to the fact that Tribunal has recorded finding in favour of claimant, who is approximately 75 years of age, it would be appropriate to permit him to withdraw part of the amount of compensation as deposited by insurer. In result, following order:

ORDER

a. Civil Application is partly allowed.

b. The claimant is permitted to withdraw 50% amount of compensation as deposited by Insurance Company alongwith accrued interest thereon subject to condition that applicant files an undertaking to the satisfaction of the Registrar (Judicial) of this

Court that he shall redeposit amount in case adverse order is passed in Appeal.

c. Rest of the amount be kept in Fixed Deposit in any Nationalized Bank.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2025