



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 CIVIL APPLICATION NO. 3368 OF 2025 IN FA/685/2025

Jyoti Jaysingh Markad And Ors

VERSUS

The Manager Relince General Insurance Co Ltd And Anr

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Advocate for Applicant : Mr. Vivek Vishnu Tarde

Advocate for Respondent 1 : Mr. A S Usmanpurkar

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 04, 2025

PER COURT :-

1. Heard learned advocates appearing for the respective parties.
2. The applicants, who are dependents of the deceased, who lost life in motor-vehicular accident dated 10.11.2019. Deceased was driving his car bearing registration No.MH-16/BH-4710, which was dashed by the insured jeep bearing registration No.MH-42/K-8622. Deceased suffered fatal injuries.
3. The claimants have filed MACP no.169 of 2019 claiming compensation under section 166 of the Motor Vehicles Act.
4. The appellant/insurer of the jeep refuted claim on the ground of contributory negligence of the deceased as well as quantum.

5. The Tribunal, after considering evidence on record passed an award for Rs.86,44,288/- alongwith interest @ 6% p.a. in favour of the claimants.

6. Aggrieved insurer filed this appeal carrying forward its defence as to the quantum as well as contributory negligence.

7. Perused the reasons as recorded by Tribunal in the impugned award.

8. Considering the grounds as raised in the appeal, prima facie, entitlement of the claimants to receive compensation cannot be disputed. The issue as to quantum and negligence can be considered at the time of final hearing.

9. In that view of the matter, at present the claimant nos.1, 4 and 5 are permitted to withdraw 60% compensation amount falling to their share on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The amount falling to the share of the minors shall remain in fixed deposit of any Nationalized Bank alongwith balance amount of the share of applicant nos.1,4 and 5. Undertaking to be filed within a period of four weeks from today.

First Appeal :-

Issue notice to the Respondents, returnable after six weeks. Mr. Tarde, learned counsel waives notice for respondent nos. 1 to 5.

Call for Record and Proceeding. Stand over after six weeks.

(S. G. CHAPALGAONKAR, J.)

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