



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3977 OF 2025
WITH FA/81/2025

Sachin Bapusaheb Pawar

VERSUS

Branch Manager, New India Assurance Company Ltd And Anr.

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Advocate for Applicant : Mr. D.A. Bide

Advocate for Respondent No.1 : Mr Swapnil Satyanarayan Rath

Advocate for Respondent No.2 : Mr. Jadhav Kailas B.

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CORAM : S.G. CHAPALGAONKAR, J.

DATED : APRIL 08, 2025

PER COURT :

1. Heard learned advocate appearing for the applicant.
2. The applicant seeks permission to withdraw the amount deposited by the respondent/insurance company in pursuance to the award dated 16.10.2024 passed in M.A.C.P No.11 of 2018. The applicant suffered injuries in motor vehicular accident dated 14.08.2017 while he was riding the motorcycle and alleged to have been dashed by the insured car. He was hospitalized after the accident. The incident was reported about 13 days latter to the date of accident. The insurer raised the ground of non-involvement of the vehicle and also contested the claim on the ground of quantum. The Tribunal after evaluation of evidence passed the award in favour of the claimant holding him entitled for total compensation of Rs.30,85,787/- along with interest @ 8% p.a.

3. Considering the submissions advanced and reasons as stated in the impugned judgment and award of the Tribunal, it is evident that the applicant was under medical supervision for more than one month after the incident. The delay in lodging the FIR has been considered by the Tribunal and then finding is given about involvement of the vehicle. In the result, the application needs to be partly allowed. Hence, the following order :

ORDER

- (i) The application is partly allowed.
- (ii) The applicant is permitted to withdraw 50% of the compensation amount with accrued interest thereon on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court that, in case, adverse order is passed, the applicant shall re-deposit the amount withdrawn within a period of eight weeks thereafter.
- (iii) The application stands disposed of.

(S.G. CHAPALGAONKAR, J.)