



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**918 CIVIL APPLICATION NO. 8031 OF 2018
IN FA/196/2020**

Meera Gorakhnath Narwade

....Applicant

VERSUS

New India Insurance Company
Thr Its Div. Manager And Ors.

.....Respondents

.....

Mr. Bajaj Anil S., Advocate for Applicant
Mr. S. V. Kulkarni, Advocate for Respondent No.1

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CORAM : NEERAJ P. DHOTE, J.

DATE : 07.05.2025

PER COURT :

[I] Order in Civil Application :

1. This is an Application by the Claimants for withdrawal of the amount deposited by the Insurance Company in the Appeal filed against the Judgment and Award dated 29/06/2016, passed by the learned Tribunal, Aurangabad, in Motor Accident Claim Petition No.403/2013.

2. The learned Advocate for the Applicant submits that, this being the Injury Claim and though the Award is passed in favour of the Applicant way-back in - 2016, not a single pie is received by her and the Appeal is pending. He submits that, the Application may be allowed.

3. The Application is opposed by the learned Advocate for the Insurance Company. He submits that, the cheque issued by the insured towards premium of the vehicle insurance was dishonored and, therefore, the Insurance Company was not liable to reimburse the insured. He submits that, the main challenge in the Appeal is to the fastening of liability on the Insurance Company.

4. The impugned Judgment and the Order shows that, the total amount of compensation is Rs.6,01,000/- and interest @ 7.5% per annum. The main dispute is in between Insurance Company and the Vehicle Owner. It is true that, this Court had directed that, the parties agree that, the Appeal can be finally heard and the Application is also pending since long. It is seen that, no notice of final hearing was issued to Respondent No.3 – Driver.

5. In this view of the matter, it would be appropriate that, the Applicant is allowed to withdraw 50% amount deposited by the Appellant – Insurance Company under the Award, out of which, 25% should be withdrawn on furnishing regular undertaking and the remaining 25% on furnishing Solvent Surety along with interest accrued thereon. Application stands disposed off accordingly.

[II] Order in First Appeal :

1. Issue notice for final hearing of the Appeal to Respondent No.3, returnable after eight [8] weeks. The Appellant is permitted to serve Respondent No.3 with the notice of final hearing of the Appeal.

[NEERAJ P. DHOTE, J.]

Sameer/May-2025