



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

109 CIVIL APPLICATION NO. 2164 OF 2025
IN FAST/15905/2024

WITH

CIVIL APPLICATION NO. 6567 OF 2024
IN FAST/15905/2024

WITH

CIVIL APPLICATION NO. 6568 OF 2024
IN FAST/15905/2024

RADHA NARAYAN PATIL AND ORS

VERSUS

NATIONAL INSURANCE COMPANY LTD AND ANR

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Advocate for Applicants : Mr. Amol Subhash Gandhi

Advocate for Respondent No.1 : Mr. Aniruddha S. Usmanpurkar

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 28.03.2025

PER COURT :-

ORDER ON WITHDRAWAL APPLICATION :

1. Heard learned Advocates appearing for respective parties.
2. Applicants are original Claimants in MACP No. 58 of 2015. They seek permission for withdrawal of amount as per award under Reference of Motor Accident Claims Tribunal.
3. Applicants instituted MACP No. 58 of 2015 seeking compensation towards accidental death of late Narayan Patil who died in motor vehicular accident on 27.12.2014.
4. Claim was contested by respondent Insurance Company on ground of breach of policy i.e. invalid driving license.
5. Tribunal after evaluation of evidence allowed claim petition and directed respondents jointly and severally pay compensation of Rs. 31,68,200/- to the Claimants alongwith interest @ 8% p.a. from date of institution of Claim Petition.

6. Aggrieved insurer filed present appeal assailing award passed by Tribunal thereby carried forward defence of invalid driving license and other grounds.

7. Looking to controversy, appellant cannot avoid liability to pay compensation even succeeded in proving its defence. Appellant will have to satisfy award and recover compensation from owner. So far as quantum of compensation is concerned, Tribunal has considered income tax returns. Looking to conspectus of matter, application deserves to be partly allowed. Hence following order is passed :

ORDER

- (i) The Civil Application is partly allowed.
- (ii) Claimant No.1, 4 and 5 are permitted to withdraw 75% of compensation amount falling to their shares as apportioned by Tribunal.
- (iii) Amount falling to share of Claimant Nos. 2 & 3 and balance amount from shares of claimant Nos. 1, 4 and 5 be kept in Fixed Deposits, in any nationalized bank, with renewal clauses, till further orders.
- (iv) Aforesaid withdrawal shall be subject to filing of an undertaking by the applicants to satisfaction of Registrar, (Judicial) of this Court that in case an adverse order is passed against them, they shall re-deposit amount with registry of this Court within a period of eight weeks thereafter.
- (v) The Civil Application stands disposed off.

ORDER ON STAY APPLICATION :

8. Mr. Usmanpurkar, learned Advocate appearing for applicant submits that entire amount as per award passed by Tribunal is deposited with registry of this Court. His statement is supported by office endorsement. Hence application stands allowed in terms of prayer Clause (B) and is disposed off.

ORDER IN APPEAL :

9. Mr.Usmanpurkar, learned Advocate appearing for applicant submits

that respondent No. 6 was served on the address as mentioned in application before tribunal. Now applicant could not supply any other address, hence seeks permission to serve respondent No. 6 by way of news paper publication.

10. In that view of the matter, applicant is permitted to serve respondent No. 6 by way of news paper publication in widely circulated news paper from North-West, Delhi region. Publication to be made within a period of 10 weeks from today.

11. A copy of news paper publication be placed on record within a period of 12 weeks from today.

12. Stand over to 01.08.2025.

(S. G. CHAPALGAONKAR)
JUDGE

mahajansb/