



This order is corrected as per speaking to the minutes of the order dated 30.09.2025

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

**972 CIVIL APPLICATION NO. 10458 OF 2025
IN FA/147/2025**

Lahu Dattu Jadhav And Ors

VERSUS

The Divisional Manager, The New India Assurance Co Ltd And
Ors

...

Mr. A. A. Khande, Advocate for Applicants

Mr. M. D. Shinde, Advocate for Respondent no.1

AND

**973 CIVIL APPLICATION NO. 10459 OF 2025
IN FAST/10167/2025**

Lahu Dattu Jadhav

Versus

the divisional controller, MSRTC, s t stand, latur

...

Mr. A. A. Khande, Advocate for Applicant

Mr. Narayan Chavan h/f Mr. D. S. Bagul, Advocate for
Respondent no.1

.....

CORAM : AJIT B. KADETHANKAR.

DATED : 24TH SEPTEMBER, 2025

ORDER :-

CIVIL APPLICATION NO. 10458 OF 2025 IN FA/147/2025

. This First Appeal is filed by the appellant/New India Assurance Company Ltd. Taking exception to the findings recorded by the learned Ex-Officio Member, Motor Accident Claims Tribunal & District Judge-1, Latur in its judgment and award dated 17.10.2024 in M.A.C.P. No.258 of 2017.

2. Mr. M. D. Shinde, learned Advocate for the appellant submits that vide the impugned judgment and award liability to the extent of 50 percent of the accident as well as the compensation has been settled by the learned Tribunal on the vehicle insured by the appellant/Insurance Company as also on the Insurance Company jointly and severally. Mr. Shinde, learned Advocate would submit that his appeal is challenging the apportionment of such liability and he has good case to demonstrate that the entire liability was on the part of the M.S.R.T.C. bus and not on his insured vehicle. Mr. Shinde further submits that pursuant to the stay granted by this Court, the appellant/Insurance Company has deposited its part of liability together with interest accrued thereon in this Court.

3. This Civil Application is filed by the original claimants in this present First Appeal seeking withdrawal of the deposited amount.

CIVIL APPLICATION NO. 10459 OF 2025 IN FAST/10167/2025

4. This First Appeal also arise out of the same judgment and award impugned in the First Appeal no.147 of 2025. In the present appeal, the ground in appeal is the same one

which is raised by the Insurance Company in First Appeal No.147 of 2025.

5. Mr. Narayan Chavan, learned Advocate representing appellant/M.S.R.T.C would submit that the learned Tribunal erred in apportioning the liability in between the Insurance Company and the M.S.R.T.C. He further submits that in fact the entire liability would have been on the biker, its owner and the Insurance Company. Mr. Chavan, learned Advocate further submits that while seeking stay to the execution and operation of the impugned judgment and award in the appeal, appellant/M.S.R.T.C. has deposited the amount of its liability together with interest accrued thereon.

6. In view of above, Mr. A. A. Khande has filed present Civil Application seeking withdrawal of the amount.

7. Upon having heard both the parties in both the appeals, I find that in both the appeals none of the appellants has disputed entitlement of the claimants in respect of the compensation. The disputed fact in both the appeal is the proportion of negligence and liability fastened on the appellants in the respective appeals. In view of this, I find that today the award stands in favour of the claimants. The

entitlement of the claimants to the quantum has been adjudicated by the learned Tribunal by assessing evidence on record. So far as interests of the respective appellants are concern, they would survive against each other until the appeals are finally decided. In view of this, I pass following order:

ORDER

- a. Civil Applications are allowed.
- b. The respective applicants are permitted to withdraw the entire amount except the share of respondent nos.2 and 3 deposited by the respective appellants in their respective appeals by furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. **Such withdrawal shall be together with interest accrued thereon.**
- c. So far as the shares falling to the shares of claimant nos.2 and 3 are concerned, the learned Tribunal has taken sufficient care of it at clause no.6 of the judgment and award impugned in the First Appeal.
- d. Civil Applications stand disposed of.

(AJIT B. KADETHANKAR, J.)