



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

**908 CIVIL APPLICATION NO. 14042 OF 2024
IN FIRST APPEAL NO. 844 OF 2024**

**VASANT PRALHAD THONGE AND ANOTHER
VERSUS
RELIANCE GENERAL INSURANCE CO LTD PUNE
THROUGH THE BRANCH MANAGER**

...
Advocate for Appellants : Ms. Ashwini A. Lomte

...
CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 23, 2025

PER COURT :-

1. The applicants are parents of original claimants who had instituted claim in MACP No. 227/2020 before Motor Accident Claims Tribunal at Osmanabad, seeking compensation of Rs. 25 Lakh towards permanent disability suffered by him in motor vehicle accident.

2. The claim was contested by Insurance Company on the ground of quantum. The tribunal after evaluation of the evidence on record passed an award for Rs. 34,14,700/- in favour of claimants. The insurer assails the award in this appeal mainly on the ground of quantum. Looking to the controversy in the appeal, there is no dispute that the original claimant suffered injuries in motor vehicle accident involving the insured vehicle. The tribunal found that the claimant suffered 70 % permanent disablement. Accordingly, compensation has been assessed.

3. In that view of the matter, the applicants (LRs of Claimants) are certainly entitled for partial withdrawal of the amount deposited by the appellant/insurance company. Hence, following order :

ORDER

i. Civil Application is partly allowed.

ii. The applicants are permitted to withdraw an amount of Rs. 25 Lakh out of the amount deposited by Insurance Company on furnishing an undertaking to Registrar (Judicial) of this Court that in case of any adverse order in appeal, requiring them to redeposit amount. They shall do so within a period of eight weeks from date of such direction. The application stands disposed.

(S. G. CHAPALGAONKAR)
JUDGE

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