



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

24 CIVIL APPLICATION NO. 798 OF 2025
IN FAST/11961/2024

WITH

CIVIL APPLICATION NO. 4992 OF 2024
IN FAST/11961/2024

WITH

CIVIL APPLICATION NO. 4993 OF 2024
IN FAST/11961/2024

POONAM AMOL NAVGIRE

VERSUS

PRAVIN BABAN LATE AND ANR

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Advocate for Applicant : Mr. Shaikh Sohail Yusuf
Advocate for Respondent No.2 : Mr.A. S. Usmanpurkar

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 24.01.2025

PER COURT :-

ORDER ON DELAY APPLICATION :-

1. At the request of learned Advocate appearing for applicant, stand over to 07.02.2025.

ORDER ON WITHDRAWAL APPLICATION :-

2. Heard learned Advocates appearing for respective parties.

2. Applicant seeks to withdraw amount deposited by respondent Insurance Company pursuant to the impugned award passed by the Tribunal dated 08.12.2023, in MACP No. 114 of 2016.

3. Applicant/ Original Claimant instituted MACP No. 114 of 2016 before Motor Accident Claims Tribunal, Shrirampur, District Ahmednagar under Section 166 of the Motor Vehicles Act, contending that on 15.06.2010 an offending truck dashed to the motorcycle on which she was riding alongwith her cousin and consequently she suffered injuries and permanent disablement.

4. Respondent insurance company contested the claim on the ground that driver of offending vehicle was not holding valid and effective driving license and consequently there is breach of policy and also disputes claim as regards future loss of earnings.

5. Tribunal after evaluation of evidence accepted the case of Claimant and passed award of Rs. 4,02,880/- alongwith interest @ 6% p.a. and in default to pay awarded amount within a period of 30 days, interest will be @ 12 % p.a.

6. Aggrieved, insurer filed the present appeal reiterating its defence on the point of driving license and the quantum of compensation. So far as, defence of driving license is concerned, it would be a matter between the insurance company and the owner of the vehicle. So far as the quantum of compensation is concerned, Mr. Usmanpurkar relies upon admission of the Doctor and states that fracture injuries suffered by Claimant are now reunited. He submits that Claimant can continue her occupation as was before, as such, there is no future loss of earnings.

7. Fact remains that Claimant has suffered permanent disablement of 20%. What would be the future loss of earning may be the issue that needs to be considered at the time of final hearing of appeal, however, at present the claimant is certainly entitled for partial withdrawal of amount deposited by insurance company. In that view of the matter, following order :

ORDER

(i) The Civil Application is partly allowed.

(ii) The applicant is permitted to withdraw 3,75,000/- accrued interest thereon, out of amount deposited with by the insurance

Company on furnishing usual undertaking to the satisfaction of the learned Registrar, (Judicial) of this Court.

(iii) Rest of the amount be fixed in Fixed Deposit, in any Nationalized Bank, to be renewed from time to time, till final disposal of the appeal.

ORDER ON STAY APPLICATION :-

8. Heard. Learned Advocate Mr. Usmanpurkar. He submits that entire amount with interest is deposited with the Registry of this Court. His statement is accepted as is supported by the endorsement of the office. Hence, Civil Application for stay is allowed in terms of prayer Clause (B) and is consequently disposed of.

**(S. G. CHAPALGAONKAR)
JUDGE**

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