



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.164 OF 2025
IN
FIRST APPEAL (STAMP) NO.25938 OF 2024

Irfana Syed Laiq & Anr.

...Applicants

Versus

The New India Assurance Co. Ltd & Anr.

...Respondents

WITH
CIVIL APPLICATION NO.10500 OF 2024
WITH
CIVIL APPLICATION NO.10501 OF 2024
IN
FIRST APPEAL (STAMP) NO.25938 OF 2024

Adv. Syed Moisalil Amjedali for Applicants in CA/164/2025 and for Respondents in CA/10500/2024 & CA/10501/2024.

Adv. Sudhir Vinayakkarao Kulkarni for Applicants in CA/10500/2024 & CA/10501/2024 and for Respondents in CA/164/2025.

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 8th JANUARY 2025

PC.:-

CIVIL APPLICATION NO.10500 OF 2024:-

1. Heard Mr. S. V. Kulkarni, learned Advocate appearing for Applicants and Mr. Moisalil Sayed, learned Advocate appearing for Respondent Nos.1 and 2.

2. Applicants seeks to condone the delay of 31 days caused in filing the appeal against award dated 6th May 2024 passed by Motor

Accident Claims Tribunal (Court No.7), Aurangabad in MACP No.764 of 2021.

3. Having considered submissions advanced and reasons as stated in the application, sufficient cause is made out to condone the delay. Hence, application is allowed. The delay of 31 days caused in filing the appeal is condoned. Appeal be registered, subject to removal of office objections.

CIVIL APPLICATION NO.10501 OF 2024:-

4. Heard Mr. S. V. Kulkarni, learned Advocate appearing for Applicants.

5. He submits that entire amount as per award has been deposited with Registry of this Court. Aforesaid statement is not disputed by learned Advocate for Applicants. In that view of the matter, civil application stands allowed in terms of prayer clause (B).

CIVIL APPLICATION NO.164 OF 2025:-

1. Heard learned Advocate appearing for respective parties.

2. Applicants seeks permission to withdraw the amount deposited by the Appellant/Insurer in pursuance to award dated 6th May 2024 passed by Motor Accident Claims Tribunal (Court No.7), Aurangabad in MACP No.764 of 2021. Applicants are Original

Claimants. They had instituted claim for compensation under Section 166 of the Motor Vehicle Act towards accidental death of their son Sayed Najeeb Syed Laiq, who died in motor vehicle accident dated 30th July 2021. He was aged about 19 years at the time of accident. Claimants are parents of the deceased. There is no dispute as regards to accidental death involving insured vehicle. Claim was mainly contested on the ground of quantum. He was pillion rider. Tribunal after considering evidence on record passed an award of Rs.23,78,000/- in favour of Claimants. Appellant-Insurer assails the aforesaid award in this appeal on the ground that learned Tribunal considered notional income @ Rs.15,000/- per month, which is excessive and exorbitant.

3. Having considered submission advanced and limited controversy involved in the appeal, the entitlement of Claimants to receive compensation cannot be disputed. Hence, at this stage, Claimants are permitted to withdraw 50% of the amount deposited by Insurer along with interest accrued thereon. Rest of the amount be kept in fixed deposit with any nationalized bank.

4. Civil Application stands disposed of.

(S. G. CHAPALGAONKAR, J.)