



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 426 OF 2025
IN FAST/7351/2024**

Popat Narayan Madage And Others

....Applicant

VERSUS

The New India Insurance Company Limited Through Its Manager And
Ors

.....Respondent

.....
Advocate for Applicant : Mr. Dhongde Rohit Ravindra Advocate for
Respondents : Ramesh Ramdas Imale For R/2

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 29th APRIL, 2025.

P.C. :-

1. Heard learned advocates for respective parties.
2. The applicant is seeking permission to withdraw the amount deposited by the respondent insurance company in pursuance to award passed by Motor Accidents Claim Tribunal. The applicant was injured in accident. He suffered amputation of his leg. He was driver by profession. He instituted claim seeking compensation from the respondents, alleging that driver of the vehicle insured with respondent No.2 was responsible for the accident. The tribunal accepted the case of claimant and ultimately, passed an award of Rs. 20,23,672/- in favour of the claimant.
3. The insurer of offending vehicle filed present appeal assailing the award on the ground of contributory negligence of claimant and quantum.
4. Perused the reasons adopted by the Tribunal. It is not disputed that claimant suffered injury/amputation as a result of accident involving insured vehicle. The Tribunal recorded a finding of negligence against driver of insured vehicle on the basis of police papers and evidence of claimant. Prima facie, such a finding appears to be in tune

with the pleadings and material on record. In that view of the matter, claimant is certainly entitled for partial withdrawal of the amount. In the result, the following order :-

ORDER

[I] The application is partly allowed. The applicant/claimant is permitted to withdraw 60 % of the amount as deposited by the Insurance company alongwith interest accrued thereon; subject to furnishing an undertaking to the satisfaction of Registrar (Judicial) of this court, that in case any adverse order is passed, he shall redeposit the amount. Such undertaking be filed within eight weeks from today.

[ii] Rest of the amount be deposited in Fixed Deposit, with renewal clause, till disposal of appeal.

[iii] Civil application is disposed of.

ON C.A. NO. 1370 OF 2025.

Heard Mr. Imale, learned advocate for applicant. For the reasons stated in the application, the application is allowed. Re-issue notice to respondent No.2 on the addressed mentioned in application No. 5990 of 2024 returnable after eight weeks.

ON C.A. No. 5991 of 2024

Heard Mr. Imale.

Mr. Imale submits that the entire amount as per the award has been deposited by the insurance company with the Registry of this Court. The statement is supported by office endorsement. Hence, application allowed and disposed of.

[S.G. CHAPALGAONKAR, J.]

grt/-