



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

**CIVIL APPLICATION NO. 1464 OF 2025
IN FA/491/2025**

**SUBHASH YADAVRAO CHOBHE
VERSUS
IMRAN PATHAN SHAFIK PATHAN AND ORS**

...
Mr. Amol Khedkar, Advocate for Applicant.
Mr. Abhijit Choudhari, Advocate for Respondent No.3.

...
**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th APRIL, 2025.**

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. By this application, applicant seeks permission to withdraw amount deposited by respondent/Insurance Company in pursuance to award passed by Tribunal under provisions of Motor Vehicle Act.
3. The claimant is injured in motor vehicular accident. He instituted claim seeking compensation under provisions of Section 166 of the Motor Vehicle Act.
4. The respondent/insurer contested claim on the ground that claimant was passenger in goods carrying vehicle. Similarly, claim is excessive and exorbitant.
5. The Tribunal after evaluation of evidence, concluded that claimant was traveling alongwith goods, as such, his risk is covered under statutory insurance policy. The Tribunal assessed notional income based on his occupation and passed award.

6. The insurer aggrieved by judgment and award passed by Tribunal, filed this Appeal carrying forward its defence.

7. Considering submissions advanced and reasons as recorded by Tribunal, applicant is certainly entitled for partial withdrawal of amount. Hence, following order:

ORDER

- a. Civil Application is allowed.
- b. The applicant is permitted to withdraw 60% of the compensation amount as deposited by respondent/insurer on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court that he shall redeposit amount in case adverse order is passed in Appeal. The undertaking to be filed within period of eight weeks from today and shall be made part of Appeal compilation.
- c. Balance of the amount be kept in Fixed Deposit in any Nationalized Bank.

(S. G. CHAPALGAONKAR)
JUDGE