

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4875 OF 2025
IN FA/68/2025

Shivaji S/o Ambadas Chitale

VERSUS

Coco Ride Two Wheeler Policy Navi General Insurance Company Ltd
And Ors

...

Advocate for Applicant : Mr. Sandip Andhale

Advocate for Respondent No.1 : Mr. S.S. Patil h/f Mr. Rohit H. Dahat

...

CORAM : S.G. CHAPALGAONKAR, J.

DATED : APRIL 30, 2025

PER COURT :

1. Heard learned advocates appearing for respective parties.
2. The applicant/injured claimant seeks permission to withdraw the amount deposited by respondent/insurer in pursuance to award dated 05.08.2024 passed in MACP No.126 of 2022. The applicant suffered injuries in motor vehicular accident dated 22.06.2021 involving motorcycle bearing registration No. MH-23-BB-6548. The offence was registered against the rider of offending motorcycle. The applicant filed claim for compensation as he suffered permanent disablement of 31%. The respondent/insurer of offending vehicle took a defence of breach of policy contending that the rider of motorcycle was not holding license at all. The Tribunal after evaluation of evidence, allowed the claim petition and directed respondents to jointly and severally pay compensation of Rs.9,86,092/- to the claimant along with accrued interest @ 7% p.a.

The aggrieved insurer filed present appeal carrying forward its defence of breach of policy.

3. Considering the submissions advanced and reasons as adopted by the Tribunal in the impugned judgment, it can be observed that entitlement of claimant to receive compensation cannot be disputed. The issue of breach of policy is between the insurer and injured.

4. In that view of the matter, following order is passed :

ORDER

- (i) Application is partly allowed.
- (ii) The applicant is permitted to withdraw 75% of compensation amount deposited by respondent/insurer along with accrued interest on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court on the condition that, in case, adverse order is passed in appeal, he shall re-deposit the amount withdrawn.
- (iii) Civil Application stands disposed of.

(S.G. CHAPALGAONKAR, J.)