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915 FA 2562 OF 2025

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

915 FIRST APPEAL NO. 2562 OF 2025

DIVISION MANAGER, ORIENTAL INSURANCE COMPANY LTD

VERSUS

SUSHANT SAHEBRAO DESHMUUKH AND OTHERS

WITH

CIVIL APPLICATION NO. 10346 OF 2025

IN FA/2562/2025

DIVISION MANAGER, ORIENTAL INSURANCE COMPANY LTD

VERSUS

SUSHANT SAHEBRAO DESHMUUKH AND OTHERS

...

Shri. Manoj Shinde h/f. Shri. M. K. Goyanka, Advocate for Appellant

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 23.09.2025

PER COURT :-

FIRST APPEAL NO. 2562 OF 2025

1. Feeling dissatisfied with the judgment and award dated 03.05.2025, passed by the learned Member, Motor Accident Claims Tribunal, Aurangabad, in Motor Accident Claim Petition No.122 of 2017, the appellant/Insurance Company has preferred this Appeal under Section 173 of the Motor Vehicles Act, 1988.

2. Issue notice to the respondent, returnable on 18.11.2025.

3. The matter be listed after service of notice is complete. In the meantime, appellant shall take recourse to the provisions enumerated in Chapter II of the Bombay High Court Appellate Side Rules, corresponding to the stage and requirement of matter.

4. Call Record and Proceeding.

5. Notice to indicate that the appeal shall be heard finally at the stage of admission as it is the only issue of quantum to be debated in the First Appeal.

CIVIL APPLICATION NO. 10346 OF 2025 (STAY)

1. Feeling dissatisfied with the judgment and award dated 03.05.2025, passed by the learned Member, Motor Accident Claims Tribunal, Aurangabad, in Motor Accident Claim Petition No.122 of 2017, the appellant/Insurance Company has preferred this Appeal under Section 173 of the Motor Vehicles Act, 1988.

2. Shri. Manoj Shinde h/f. Shri. Goyanka, learned counsel for the applicant would submit that the objection in the First Appeal pertains to the quantum granted by the learned Tribunal. He would further submit that, despite there being no adverse effect on the salary of the claimant, the learned Tribunal has awarded compensation under the heading 'loss of earning

capacity'. He would further submit that the applicant/Insurance Company is ready to deposit the entire payable award amount, together with accrued interest, in this Court within a period of six weeks.

3. Considering this, execution and operation of the impugned judgment and award is stayed till returnable date on condition that the appellant deposits the entire payable decretal/award amount in this Court within a period of six weeks from today.

4. Issue notice to the respondents, returnable on 18.11.2025.

5. The matter be listed after service of notice is complete. In the meantime, applicant shall take recourse to the provisions enumerated in Chapter II of the Bombay High Court Appellate Side Rules, corresponding to the stage and requirement of matter.

[AJIT B. KADETHANKAR, J.]