

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 1380 OF 2016

IFFCO TOKIO General Insurance Company Appellant
Limited.

Versus

1. Ganesh Rangrao Akurde and Anr. Respondents

Ms. Varsha Chavan, Advocate for the Appellant.
Mr. Pritesh K. Bohade, Advocate for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th JUNE, 2025.

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P.C. :

1. Heard learned counsel for the Appellant and learned counsel for the Respondent – Claimant.

2. Learned counsel for the Appellant submits that the claim petition was filed under Section 163A of the Motor Vehicles Act, 1988 (for short “MV Act”).

3. The accident occurred due to sole negligence of the deceased but the Tribunal has awarded compensation of

Rs.4,23,920/-. As per view of Hon'ble Apex Court in the Case of *Ramkhiladi and Anr. Vs. United India Insurance Company and Anr. AIR 2020 SCC 527*, the Claimant is entitled of Rs.1,00,000/-, but this fact has not been considered by the Tribunal. Hence, requested to allow the appeal.

4. Learned counsel for the Respondent submits the Claimant is ready to accept Rs.1,00,000/- out of the deposited compensation amount. Hence, requested to pass appropriate order.

5. Considering the submission of both the learned counsel, I pass following order.

ORDER

i. Appeal is allowed.

ii. The Respondent/Claimant is entitled Rs.1,00,000/- @ 8% interest from the date of filing claim petition, till realization of the amount.

iii. The Claimant is permitted to withdraw Rs.1,00,000/- @ 8% interest along with accrued interest thereon from the amount, deposited by the Appellant/Insurance Company.

iv. The Appellant /Insurance Company is permitted to withdraw remaining amount along with accrued interest.

- v. The statutory amount along with accrued interest be transmitted to the Tribunal. The parties are at liberty to withdraw it, as per Rules.
 - vi. Record and Proceeding be sent back to the Tribunal.
8. In view of the above, the appeal is allowed and disposed of.
9. All pending applications, if any, also stand disposed of.

(SHIVKUMAR DIGE, J.)