
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.10004 OF 2025
IN
FIRST APPEAL NO. 976 OF 2025

Radhabai Nivrutti Suryavanshi & Ors .. Applicants

IN THE MATTER BETWEEN

Reliance General Insurance Co Ltd ..Appellant

Versus

Radhabai N. Suryawanshi & Ors .. Respondents

Mr. Mahindra Deshmukh, Advocates for the Applicants.

Mr. Avesh Ghadge i/b Akshay A. Kulkarni, Advocates for the Respondent (Insurance Company/Orig.Appellant).

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CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: JULY 25, 2025

P. C.

1. The above Interim Application is filed by the Applicants seeking to withdraw the amount of Rs.63,21,820/- along with accrued interest deposited by the Appellant in the office of the Motor Accident Claims Tribunal (“**MACT**”), Sangli in Motor Accident Claims Petition No. 20 of 2021 (“**MACP**”).

2. The Applicants were the Original Claimants before the MACT. The incident is in relation to one deceased Dilip Nivrutti Suryawanshi who passed away in a motor vehicle accident on 26th July 2020. The deceased Dilip was the son of Applicant No.1, the husband of Applicant No.2 and the father of Applicant Nos.3 to 5. He suffered an accident on 26th July 2020 when his motorcycle collided with a “Chota Hatti” (a small tempo) bearing No. MH-10 CR-5062. As a result of this accident, the deceased suffered several injuries and unfortunately succumbed to them. It is in this light that the Applicants approached the MACT under Section 166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.2.44 Crores. The MACT, after considering the evidence led by the parties partly allowed the application by granting compensation of approximately Rs. 49.49 Lakhs together with interest @6.5% p.a. from the date of the application till realization of the amount.

3. Being aggrieved by the order of the MACT, the above First Appeal is filed. In the above First Appeal, on 7th May 2025, this Court passed an order staying the operation and implementation of the impugned judgment and decree passed by the MACT subject to the Appellant-Insurance Company depositing the entire decretal amount along with interest thereon

before the MACT. Pursuant to the aforesaid direction, the Appellant-Insurance Company has deposited the amount of Rs.63,21,820/- before the MACT, Sangli namely, MACP No. 20 of 2021.

4. The learned counsel appearing on behalf of the Appellant-Insurance Company opposed the above Interim Application on the ground (i) that the Driver of the “Chota Hatti” did not possess a valid driving license, and hence, the same would be a breach of the terms and conditions of the Insurance policy; and (ii) that the income of the deceased, and on the basis of which the claim is granted, is on the higher side. He, therefore, on these two basic grounds opposed the grant of any relief to the Applicants.

5. We have heard the learned counsel for the parties and we have also perused the papers and proceedings in the above Interim Application.

6. We have also cursorily examined the impugned Award and Judgment of the MACT. On briefly going through the aforesaid judgment, we find that the MACT has rendered a finding that the Insurance-Company did not lead any evidence to show that the Driver of the “Chota Hatti” did not have a valid license which would entail a breach of policy issued by the Appellant Insurance-Company (and which vehicle was insured with the

Appellant-Insurance-Company). We also find that the MACT has determined the compensation after taking into account the evidence led by the Applicants regarding the income of the deceased. We, therefore, atleast prima facie, are not impressed with the arguments canvassed on behalf of the Insurance-Company to dismiss the above Interim Application.

7. Balancing the equities of both sides, we are of the view that the Applicants can be permitted to withdraw 50% of the amount lying with the MACT till date. In other words, whatever the interest had accrued on the amount of Rs.63,21,820/- deposited by the Insurance-Company with the MACT, will also be taken into consideration for the purposes of the aforesaid withdrawal. This withdrawal is subject to the Applicants giving an undertaking to the MACT that in the event the above Appeal succeeds, they shall bring back the amount withdrawn, or any part thereof, together with interest at such rate as this Court may decide at the final hearing of the Appeal.

8. The Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

9. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by fax
or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]