



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

FIRST APPEAL NO.496 OF 2025

New India Assurance Company Ltd., Chhindwada, M.P.

Vs.

Sandip s/o Prakashlal Manoj, Wardha and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Anvita A. Pande, Advocate for the appellant.

Shri Mahendrakumar P. Dhruv, Advocate for respondent No.1.

CORAM : ABHAY J. MANTRI, J.

DATED : 02-09-2025

Civil Application (CAF) No.3124/2025

The applicant-respondent No.1 has filed this application to permit him to withdraw the amount of compensation deposited by the appellant in this Court, for which the learned Advocate for the appellant has strongly objected, as according to her, the owner of the truck has committed a breach of the policy and therefore she resisted for grant of withdrawal of the amount.

2. Having considered the reasons disclosed in the application as well as having gone through the impugned judgment particularly observations made in paragraphs 17 to 19 of the judgment, it is evident that the learned Tribunal after considering the evidence on record has held that the Insurance Company failed to prove that the owner of the vehicle has committed the breach of terms and conditions of the policy.

In view of the same, I do not find substance in the objection raised by the learned Advocate for the appellant at this stage.

3. Having considered the above, the application is partly

allowed. The applicant is permitted to withdraw 75% amount along with accrued interest thereon on his furnishing the usual undertaking to the satisfaction of the Registrar (Judicial).

4. The Registrar (Judicial) is directed to transmit 75% amount along with interest accrued thereon in the bank account of the applicant within eight weeks on his furnishing the usual undertaking as well as bank account details to the registry.

Civil Application is disposed of.

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5. Issue fresh notice to respondent Nos. 2 and 4, returnable on 29/09/2025.

(ABHAY J. MANTRI, J.)