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

**921 CIVIL APPLICATION NO. 1981 OF 2026
IN FA/875/2009**

**USHABAI SALIKRAM LOKHANDE AND ORS.
VERSUS
NEW INDIA ASSURANCE CO. LTD. AURANGABAD AND ORS.**

.....
Advocate for Applicant : Mr. Savant Vilas P
Advocate for R/1 : Mr. Dhananjay Deshmukh
.....

**CORAM : Y.G. KHOBRAGADE, J.
DATE : 10.03.2026**

PC.:-

1. Heard advocate Mr. Savant the learned counsel appearing for the applicant and Mr. Deshpande the learned counsel appearing for the non-applicant/insurance company at length.
2. By the present application, the respondent in appeal/claimant in MACP No.68/2005 prayed for permission for withdrawal of entire amount of compensation deposited by the present non-applicant/original appellant in appeal. After hearing the learned counsel appearing for both the sides, I have gone through the record. The present non-applicant no.1/insurance company has filed first appeal challenging the judgment and award dated 24.07.2007 passed by the Member, M.A.CT., Beed in MACP No.68/2005, whereby the

respondents therein i.e. insurance company, owner and the driver of the offending vehicle were jointly and severally directed to pay compensation of Rs.Two Lakhs inclusive of no fault liability with interest @ 9% per annum from the date of the claim petition till its realization.

3. At the time of filing of the appeal the non-applicant/appellant/ insurance company deposited statutory amount of Rs.25,000/- in this Court. On 06.08.2008, this Court passed an order and transferred the amount of Rs.25,000/- to the Tribunal. As per order dated 06.08.2008, by way of ad interim stay the execution of impugned judgment and award has been stayed subject to condition that the applicant/insurance company shall deposit the entire balance amount of compensation within a period of eight weeks therefrom. Accordingly, the non-applicant no.1/insurance company deposited the entire amount of compensation before the Tribunal. The appeal is admitted and it is pending for final hearing. The applicants who are original claimants were also permitted to withdraw the amount of Rs.50,000/- without security.

4. The issue involved in the present appeal is whether the passenger who was travelling in the goods vehicle along with the owner of the goods was covered under the policy or not. Therefore, at this stage, I am of the view that the applicants cannot be permitted to withdraw the entire amount of

compensation. Hence, the application is dismissed.

5. Place the first appeal for final hearing in the week commencing from 24.03.2026. In the meanwhile, the appellants shall furnish the private paper book.

[Y.G. KHOBRAGADE, J.]