



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

CIVIL APPLICATION (CAF) NO. 3307 OF 2025
IN

FIRST APPEAL (ST) NO. 20200 OF 2025

HDFC ERGO General Ins. Co. Ltd.

Vs.

Haridas S/o. Dattatraya Hole and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri H. N. Verma, Advocate for applicant.

Shri D. S. Khushalani, Advocate for non-applicant nos. 1 to 3.

CORAM :- Y. G. KHOBRAGADE, J.

DATED :- 20.04.2026

Heard Shri Verma, learned counsel appearing for the applicant and Shri Khushalani, learned counsel appearing for non-applicant nos. 1 to 3.

2. Despite service, none appears for non-applicant no. 4.

3. By the present application, the applicant-Insurance Company seeks condonation of delay of 67 days caused while lodging the appeal against the judgment and order dated 21.03.2025 passed in MACP No. 29/2023 by the learned Member, Motor Accident Claims Tribunal, Achalpur.

4. The learned counsel appearing for non-applicant nos. 1 to 3 strongly opposed the application.

However, considering the grounds set out in para nos. 3 and 4 of the application, I am inclined to allow the present application and condone the delay caused.

5. Accordingly, the delay of 67 days caused while lodging the appeal is hereby condoned. The application is disposed of accordingly.

6. The office to register the First Appeal.

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7. Heard.

8. Issue notice to the respondents, returnable on 15.06.2026.

9. Shri D. S. Khushalani, learned counsel waives service of notice for respondent nos. 1 to 3.

10. Call record and proceedings.

11. In addition to the regular mode of service, the appellant is also permitted to serve respondent no. 4 by Speed-post.

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12. Heard the learned counsel for the appellant and learned counsel for respondent nos. 1 to 3 at length. None appear for respondent no. 4.

13. By the present application, the applicants/ respondent nos. 1 and 2 seek permission to withdraw

entire amount of compensation granted vide judgment and award dated 21.03.2025 passed in MACP No. 29/2023 by the learned Member, Motor Accident Claims Tribunal, Achalpur, District Amravati.

14. The learned counsel appearing for the appellant- Insurance Company strongly oppose the application mainly on the ground that the Tribunal failed to consider contributory negligence as well as breach of the policy condition hence, the appellant-Insurance Company is having no liability to pay the compensation.

15. However, it appears that on 18.12.2022, Amol S/o. Haridas Kolhe died in a vehicular accident caused by Truck bearing registration No. MH26-BE-4845 which was insured with the appellant- Insurance Company. Therefore, considering the need of the present applicants as well as findings recorded by the Tribunal, it would just and proper to permit respondent nos. 1 and 2 to withdraw 50% of the their share in the compensation amount with accrued interest on usual undertaking. Needless to mention that respondent no. 3 would not be entitled to receive any compensation.

16. Accordingly, the application is disposed of.

(Y. G. KHOBRAGADE, J.)