



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

FIRST APPEAL NO. 1285 OF 2025

GO DIGIT GENERAL INSURANCE CO. LTD.

Vrs.

VIDYA WD/O DHANRAJ DANGE 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 appellant.
Shri K. P. Mirache, Advocate respondent Nos.1 to 3 and 5.

CORAM: Y. G. KHOBRAGADE, J.

DATE : 28/04/2026.

1. Heard Shri H. N. Verma, learned counsel appearing for the appellant and Shri K. P. Mirache, learned counsel appearing for respondent Nos.1 to 3 and 5.
2. Despite service, none appeared for respondent No.6.
3. This is an appeal under Section 173 of the Motor Vehicles Act, 1988 against the judgment and award dated 14/05/2025 passed in MACP No.268/2020 by the learned Member, MACT-1, Nagpur and thereby, granted compensation of Rs.49,34,000/- with interest @ 7.5 % per annum from the date of filing of petition i.e. from 14/01/2020 till its realization in favour of the respondent Nos.1 to 3 and 5.
4. According to the learned learned counsel appearing for the appellant, the respondents are failed to prove the income of the deceased Dhanraj Bhujang Dange,

who died due to vehicular accident on 09/10/2019 at National Highway No.547, Near Riva Colony, Borgaon Saunsar, Dist. Chhindwara. Therefore, learned Trial Court would have considered the notional income of the deceased and could have granted compensation. However, the learned Trial Court granted exorbitant claim amount which is not justifiable.

5. Considering the nature of pleadings as well as evidence placed on record, I am of the view that the present appeal needs to be admitted and the issue involved in the present appeal can only be decided after considering the Record and Proceedings.

6. **Admit.**

7. Shri K. P. Mirache, learned counsel waives service of notice for respondent Nos.1 to 3 and 5.

8. The appellant to file private paper book within a period of twelve weeks from today.

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9. By the present application, non-applicant / respondent Nos.1 to 3 and 5 seek permission to withdraw the entire amount of compensation awarded under judgment and award dated 14/05/2025.

10. Considering the nature of claim as well as to meet the financial crises, it would be just and proper to permit the present non-applicant Nos.1 to 3 and 5 to withdraw 50% of compensation amount with accrued interest of their share on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

11. Accordingly, civil application stands disposed of.

[JUDGE]

Choulwar