



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

CIVIL APPLICATION (CAF) NO. 950 OF 2026

IN

FIRST APPEAL NO. 418 OF 2025

Divisional Manager, M/s. National Insurance Co. Ltd.

Vs.

Ku. Reshma D/o. Narayan Pande and another

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

Court's or Judge's Order

Ms. Sneha Padwekar h/f. Ms. S. H. Bhatiya, Advocate for appellant.
Shri Sandip L. Sharma, Advocate for respondent no. 1.
Shri Nishant Gurnani h/f. Shri A. S. Dhore, Advocate for respondent no. 2.

CORAM :- Y. G. KHOBRAGADE, J.

DATED :- 27.04.2026

Heard Ms. Padwekar h/f. Ms. Bhatiya, learned counsel appearing for the appellant, Mr. Sharma, learned counsel appearing for respondent no. 1 and Shri Gurnani h/f. Shri A. S. Dhore, learned counsel appearing for respondent no. 2.

2. By the present application, respondent no. 1/original claimant seeking permission to withdraw 70% of the compensation awarded under judgment and order dated 28.08.2024 passed in MACP No. 1159/2019 by the Member, Motor Accident Claims Tribunal-1, Nagpur.

3. The learned counsel appearing for the appellant/insurance company strongly opposed the application on the ground that if the compensation

amount is permitted to withdraw, in that event it will not be possible to recover the same in case the impugned judgment and award is modified or reversed.

4. The learned counsel for respondent no. 2 submitted to the Court for passing of the appropriate orders.

5. Needless to say that the present respondent no. 1 has instituted MACP No. 1159/2019 on the ground that on 17.03.2019 at 14:30 hours, a Honda Activa bearing registration no. MH-40-AZ-8292 hit deceased-the mother of the claimant and due to accidental injuries her mother died while hospitalization.

6. Considering the nature of claim as well as to meet financial crises, it would be just and proper to permit respondent no. 1/original claimant to withdraw 50% of the compensation amount along with accrued interest on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

7. The application stands disposed of accordingly.

(Y. G. KHOBRAGADE, J.)