



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

CIVIL APPLICATION (CAF) NO. 1311 OF 2026
IN

FIRST APPEAL (ST) NO. 17126 OF 2025

Bajaj Allianz General Insurance Co. Ltd.

Vs.

Prakash Kashiram Rathod and others

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

Court's or Judge's Order

Mrs. Mrunal Naik a/w. Ms. Alpana Ingolikar, Advocate for applicant.
Ms. A. M. Raut, Advocate for non-applicant no. 1.

CORAM :- Y. G. KHOBRAGADE, J.

DATED :- 24.04.2026

Heard Mrs. Naik, learned counsel appearing for the appellant- Insurance Company, Ms. Raut, learned counsel appearing for respondent no. 1/original claimant at length. None appears for respondent nos. 2 to 4.

2. By the present application, respondent no. 1/claimant seeks permission to withdraw the entire amount of compensation granted under the judgment and award dated 07.03.2025 passed in MACP No. 69/2012 by the Member, Motor Accident Claim Tribunal, Pusad (for short, "Tribunal") deposited before the Tribunal in pursuance of the order dated 06.10.2025 passed by this Court in Civil Application No. 3481/2025.

3. Though the learned counsel appearing for the appellant- Insurance Company strongly opposed the

application on the ground that the cheque issued by respondent no. 2/lorry owner was dishonored and there were no contract between the appellant and respondent no. 2 hence, the appellant is not entitled to pay any compensation as ordered by the Tribunal.

4. It is matter of record that on 12.05.2009, respondent no. 1 and his wife- Purnabai met with an accident and sustained grievous injuries and suffered 25% permanent disability. It is well settled principle of law that even if there is a breach of policy condition, the Insurance Company is required to honour the judgment and award and recover the amount from the owner of the vehicle.

5. Taking into consideration this principle, I am inclined to grant the present application and permit respondent no. 1 to withdraw 50% of the compensation amount with accrued interest thereto on furnishing usual undertaking to the satisfaction of the Tribunal. The Tribunal shall disbursed the amount in favour of respondent no. 1/claimant after obtaining undertaking to its satisfaction.

6. Accordingly, the application stands disposed of.

(Y. G. KHOBRAGADE, J.)