



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

Civil Application [CAF] No.1408 of 2026
in
First Appeal No.112 of 2025

New India Assurance Company Ltd.

vs.

Devidas Sawai Rathod and others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. Sawan Alaspurkar, Advocate for the Applicants/Respondent Nos.1 & 2.
Mr. C.C. Anthony, Advocate for the Non-Applicant/Appellant.

CORAM : **Y.G. KHOBRAGADE, J.**
DATE : **8th MAY, 2026.**

Heard the learned Counsel appearing for the parties.

02. By the present application, the applicants/respondent Nos.1 and 2 seek permission to withdraw the amount of compensation awarded under the judgment and award dated 03/10/2024 passed in MACP No.346/2018 by the learned Member, MACT, Amravati.

03. The learned Counsel appearing for the appellant strongly opposed the application on the ground that the appellant-insurance company is not liable to pay any compensation, as another vehicle insured with respondent No.4 came from the wrong side and dashed against the vehicle involved in the accident. Therefore, according to the appellant, no liability can be fastened upon it. It is further submitted that if respondent Nos.1 and 2 are permitted to withdraw the amount, it would not be possible to recover the same in the event the judgment and award is reversed or set aside. However, considering the fact that 60% negligence has been attributed to the driver of the vehicle insured with the appellant and 40% negligence to the driver of the vehicle insured with respondent No.4, it further appears that the accident occurred on

21/02/2018, in which deceased Bhulabai Rathod lost her life. The present applicants/respondent Nos.1 and 2 are the legal heirs of deceased Bhulabai Rathod.

04. Therefore, considering the nature of the claim and to meet the financial exigencies of the claimants, the applicants/respondent Nos.1 and 2 are permitted to withdraw 50% of the compensation amount falling to their respective shares, upon furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

05. The application accordingly stands allowed and disposed of.

JUDGE

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