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C.A.No.6344.14

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.6344 OF 2014
IN
F.A. NO.1160 OF 2013

Jijabai Bhagwat Gaikwad & anr.

..APPLICANTS

VERSUS

Babumiya Hydersab Rote & anr.

..RESPONDENTS

Mr S.J. Salgare, Advocate holding for Mr Sushant B. Choudhari, Advocate
for applicants;
Mr A.B. Gatne, Advocate for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 12th June, 2015

ORAL ORDER :

The application is objected by Mr Gatne, learned Counsel appearing on behalf of respondent no.2 – insurance company on two counts; (a) a statement given by claimant no.1 in the first information report and (b) the fact that the deceased was a gratuitous passenger.

2. Both these aspects are dealt with by the Tribunal in its award while ordering payment of compensation. Mr Gatne, in addition to above, has submitted that the appeal is already admitted and prayed for rejection of the application.

3. In my opinion, it will be inappropriate to reject the application for withdrawal of the amount on the above grounds as the Tribunal has rightly dealt with the issues brought before it in relation to denial of the claim by the insurance company.

4. In view thereof, it will be appropriate to allow the application.

5. Civil Application stands allowed. The applicants are permitted to withdraw the amount deposited in this Court by respondent no.2. The applicants shall furnish an undertaking in respect of 50% amount to the effect that if the appeal of the insurance company is allowed, that they shall redeposit the amount in this Court as shall be ordered by this Court.

(N.W. SAMBRE, J.)

amj