

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 10350 OF 2015
IN
FIRST APPEAL NO. 1085 OF 2015**

Dagadu Mulchand Bhoi deceased
through LRs. Ranjana Dagdu Bhoi
and others .. Applicants

Versus

National Insurance Company Ltd. .. Respondent

Shri Shrikant S. Patil, Advocate for Applicants.
Shri S. V. Kulkarni, Advocate for the Respondent.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 09TH OCTOBER, 2015.**

PER COURT :

. Mr. Kulkarni, learned counsel for the non applicant opposes the application on the ground that, it is clear case of breach of policy. The deceased was travelling in a commercial vehicle and the offence is registered after eleven months.

2. Today the award in in favour of applicants.

3. Considering the above, I pass the following order.

4. The applicants are allowed to withdraw 30% of the amount deposited in proportionate as awarded by the Tribunal on condition that, the applicants submit undertaking to the Tribunal that in the event the appeal is allowed and applicants are directed to deposit the amount, they shall deposit the same within a period of one month. The applicants are further allowed to withdraw 30% of the amount deposited in proportionate as awarded by the Tribunal on submitting solvent security/surety of the like amount. The remaining 40% of the amount deposited shall be kept in fixed deposit receipt of any nationalized bank. The civil application is disposed of.

5. The amount allowed to be withdrawn be transmitted to the concerned Tribunal.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15