

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

**CIVIL APPLICATION NO. 14166 OF 2015
IN
FIRST APPEAL NO. 36 OF 2011**

Sayed Nisar Begum Sayed Rasool
and others

.. Applicants

Versus

The New India Assurance Co. Ltd.,
Through Vishvas Bansi Gaikwad
and others

.. Respondents

Shri R. D. Thorad, Advocate for the Applicant.

Shri M. M. Ambhore, Advocate for the Respondent No. 1.

CORAM : S. V. GANGAPURWALA, J.

DATE : 23RD OCTOBER, 2015.

PER COURT :

. Mr. Ambhore, the learned counsel for the respondent No. 1 opposes the application on the ground that, it is a case of breach of policy. Even claimants have admitted that, the deceased was not fair paying passenger. Therefore, the insurance company is not liable to pay the compensation.

2. Considering the award passed, I pass following order.

3. The claimants are allowed to withdraw 75% of the amount

deposited in proportion as awarded by the Tribunal on furnishing solvent security/surety of like amount. Remaining amount shall be kept in fixed deposit of any nationalized bank. The civil application is disposed of.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15