

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

CIVIL APPLICATION (CAF) NO. 2834 OF 2014

IN

FIRST APPEAL NO. 451 OF 2014

Oriental insurance Co. Nagpur Vs. Baby wd/o Bibshan Fulzele & Ors.

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

Court's or Judge's Order

.....
Shri D. N. Kukday Adv for appellant.

Shri S. D. Chande Adv for respondents 1 & 2. .

CORAM: A. S. CHANDURKAR J.

DATED: APRIL 30, 2015.

Prayer is to permit the claimants to withdraw the amount of compensation as awarded by the Claims Tribunal. It is stated that the deceased was the male member of the family and hence after the accident the family members are facing financial crisis.

Application is opposed by the learned counsel for the appellant on the ground that the policy in question did not cover the risk of the passengers traveling in the vehicle and only third party liability was covered. It is therefore submitted that the appellant could not have been held liable

to satisfy the award.

In the written statement filed by the appellant though it is stated that there has been a breach of the policy the specific stand that there was no coverage for the passengers traveling in the vehicle has not been specifically raised. In these facts by securing the interest of the appellant, the claimants can be permitted to withdraw part of the amount during pendency of the appeal.

The claimants are permitted to withdraw an amount of Rs. 1,50,000/- subject to furnishing solvent surety to the satisfaction of the Registrar (Judicial). Similarly the claimant shall also given an undertaking that in case the appeal is allowed the amounts withdrawn shall be repaid with interest. Civil application disposed of.

JUDGE

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