

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, Court's orders or directions and Registrar's orders.	Notes, of Coram, Court's orders or Registrar's orders.	Court's or Judge's orders.
---	--	----------------------------

CIVIL APPLICATION NO. 551 OF 2016
IN FA/468/2014

SUNDARABAI UTTAM JADHAV AND OTHERS
VERSUS
HAZI BACHHU BALBUL HASSAN QAZI AND OTHERS

...
Advocate for Applicants : Mr. Khedkar Amol P.
Advocate for Respondent No.3: Mr.A B Kadethankar.

CORAM: T. V. NALAWADE, J.
DATED: 18th JANUARY, 2016.

PER COURT:

1. The is for permission to withdraw the amount. Both sides are heard.
2. The insurance company has challenged the judgment and award mainly on the ground that the fact of the coverage of the insurance is not proved. This court has gone through the reasoning given by the Tribunal on this point. This Court is avoiding to give details of the said reasoning. The fact is that the insurance was mentioned in R.T.O. particulars and on the basis even the application

filed for compensation on the principle of no fault was allowed. It that time, it was the case of insurance company that the file was lost and so it was not possible to verify the policy. In R.T.O. particulars there is number of policy and there is the period mentioned. Evidence is given by the insurance company officer but that has not given particulars of the particulars of policies issued by the insurance company at the relevant time or the numbers of cover notes issued by the insurance company at the relevant time. Applicant, original claimant is a third party and on the basis of R.T.O. the claim was made against the insurance company. In view of the nature of challenge, this Court holds that the claimant cannot be prevented from withdrawing the amount.

3. In the result, the application is allowed. The amount is to be given subject to giving undertaking.

4. Learned counsel for the original claimants made a statement that the original claimant No.1, widow of the deceased is dead and only her two sons are there as legal representative of the widow. He made a statement that the deceased widow has not left behind a daughter who

could have claimed to be successors of the deceased Sundarabai. In view of these circumstances, the application is allowed and the entire amount, as per the Award, is to be disbursed, after taking undertaking from the remaining original two claimants who have now attained majority.

(T. V. NALAWADE, J.)

Dt.18/01/2016.
ans/551