

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2278 OF 2016  
IN FAST/17082/2015

GODAVARIBAI SURESH INGOLE AND OTHERS  
VERSUS  
RELIANCE GENERAL INSURANCE COMPANY THR ITS DIV.  
MANAGER, YOGESH DILIP DHASE

...  
Advocate for Applicants : Mr. Kamble Dinkar G.  
Advocate for Respondents : Mr. R.H. Dahat with Mr. S.S. Patil  
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**CORAM : V. K. JADHAV, J.**  
**DATED : 14<sup>th</sup> MARCH, 2016**

**PER COURT:-**

1. Heard learned counsel for the applicants and learned counsel for respondent.
2. Learned counsel for the applicants submits that the claim petition was filed in the year 2010. During pendency of the said claim petition and the present first appeal, original claimant 2 to 4 attained majority. Learned counsel submits that applicant No.1 is widow and applicant No.5 is old aged father of the deceased Suresh and they have no independent source of income.
3. Learned counsel for respondent-insurer submits that even though the defence is raised about breach of conditions of policy, the same was not considered by the Tribunal. Learned counsel submits

that even assuming for the sake of arguments that deceased was travelling in the vehicle involved in the accident as a labour, the said risk is not covered under the policy.

4. In view of the above, applicant No.1 Smt. Godavaribai Suresh Ingole, is permitted to withdraw an amount of Rs.1,50,000/- (Rupees One lac fifty thousand only) and applicant No.5 Shankar Dhulaji Ingole, is permitted to withdraw an amount of Rs.1,00,000/- (Rupees one lac only) out of the amount deposited by the respondent-insurer before this court on execution of undertaking to the satisfaction of Registrar (Judicial) of this court.

5. Civil application is disposed of.

**( V. K. JADHAV, J.)**

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