

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2117 OF 2016
IN FA/851/2016

NAZIYABI SK. RIZWAN AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. THR ITS MANAGER LEGAL
HUB SHARDA ASHOK MANDVEKAR

...
Advocate for Applicants : Mr. Patil Vijay B.
Advocate for Respondents : Mr. M.M. Ambhore
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CORAM : V. K. JADHAV, J.
DATED : 27th APRIL, 2016

PER COURT:-

1. Heard learned counsel for the applicants-original claimants and learned counsel for respondent No.1 insurer.
2. Learned counsel for the respondent insurer has strongly resisted the application with submission that even though the crime was registered against unknown vehicle and charge sheet was also submitted against driver of unknown vehicle, 8 months after happening of the accident the concerned police station has submitted supplementary charge sheet against the driver of vehicle/truck insured with the present respondent insurer.
3. Learned counsel for the applicants submits that after due investigation, the police could trace out the involvement of the said

vehicle in the accident and accordingly submitted charge sheet against the driver. Learned counsel submits that all the applicants/ original claimants were depending upon the income of deceased Shaikh Rizwan and he was the only earning member of the family. Learned counsel submits that the claim petition was filed by widow, minor son and old aged parents of deceased Shaikh Rizwan.

4. In view of the above submissions, the applicants are allowed to withdraw 50% amount of compensation deposited in this court on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court and further allowed to withdraw the remaining amount on furnishing solvent surety to the satisfactory of Registrar (Judicial) of this court.

5. Civil application is disposed of.

(V. K. JADHAV, J.)

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