

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 CIVIL APPLICATION NO. 12181 OF 2016
IN FAST/24106/2014 WITH CA/10998/2014 IN FAST/24106/2014
WITH CA/10999/2014 IN FAST/24106/2014

MANGALBAI SITARAM DHEKE AND OTHERS
VERSUS
THE BRANCH MANAGER, THE NEW INDIA ASSURANCE CO. LTD. AND
OTHERS

...
Advocate for Applicants : Shivpuje Anil S.
Advocate for Respondents : M.M. Ambhore

...

CORAM : P.R. BORA, J.
DATE : 24-10-2016.

P.C. :

1. Heard the learned counsel appearing for the applicant i.e. original claimants and the learned counsel appearing for the appellant insurance company.

2. Mr. Ambhore, the learned counsel appearing for the insurance company submitted that, the alleged death is not accidental death but the deceased has attempted to commit suicide and, as such, no compensation could have been awarded by the tribunal. He has, therefore, opposed for permitting any withdrawal of the amount by the claimants. On perusal of the impugned judgment it is revealed though the appellant insurance company has taken the aforesaid plea, the same has not been substantiated by the insurance company. I am therefore, inclined to allow the present application in the following terms.

3. The applicants are permitted to withdraw 50% of the deposited amount on submitting an undertaking that in the event any adverse order is passed they will re-deposit the said amount within four months of passing of such order. Balance 50% be invested in FDR in any nationalised bank initially for a period of two years and if so required for further period till the disposal of the appeal. Civil application stands disposed of.

4. For the reasons stated in the application, which according to me are just and sufficient, the delay is condoned. Appeal be registered in accordance with law. Civil application stands disposed of.

5. In view of the fact that, as entire amount is deposited interim stay is made absolute. Civil application stands disposed of.

(P.R. BORA)
JUDGE

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