

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.3440 OF 2016

IN

FIRST APPEAL STAMP NO.25691 OF 2014

Hindurao Shankar Ghevade and another .. Applicants

National Insurance Company Ltd. .. Appellant

Versus

Hindurao Shankar Ghevade and others .. Respondents

Mr. Bhushan Walimbe for the Applicants.

**Mr. Rahul Mehta i/by KMC Legal Venture for the original Appellant/
Respondent.**

Mr. U. H. Pawar for the Respondent No.3.

CORAM : R.M. SAVANT, J.

DATE : 12th AUGUST 2016

PC.

1 The above Civil Application has been filed for withdrawal of the amount deposited by the Appellant Insurance Company in the MACT, Islampur, District, Sangli. The Applicants are the mother and father of the deceased one Bajrang @ Jagannath Ghevade who died in the accident. The challenge of the Appellants is on the ground of Section 149(2a) of the Motor Vehicles Act i.e. breach of policy. It is the case of the Appellant that in a tanker carrying hazardous chemicals the deceased was the driver who

had taken some passengers. The deceased was the only son of the Applicants and who was 27 years of age when he expired. The application was filed under Section 163A of the Motor Vehicles Act. The Learned Counsel appearing on behalf of the original Appellant Insurance Company opposes the application and reiterates the case of the Insurance Company based of Section 149(2a) of the Motor Vehicles Act. In my view, it would be just and proper to permit the Applicants to withdraw the entire decretal amount from the MACT, Islampur, District Sangli. The same would however be subject to the result of the above First Appeal. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]