

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO.1578 OF 2015
IN
FIRST APPEAL NO.394 OF 2015

The New India Assurance Co.Ltd. Thr. Manager, MECL Premises, Seminary Hills, Nagpur

-vs-

Chandrashekhar O. Dave and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms Anita Mategoakar Singh, Advocate for appellant.
Shri G. D. Asole, Advocate for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.
DATE : April 28, 2016

The claimants have sought permission to withdraw the amount of compensation deposited by the appellant.

The application is opposed by the learned counsel for the appellant on the ground that the policy in question was an Act policy and only the third party risk was covered. The deceased was alleged to be travelling as a passenger in the said vehicle and therefore was not covered under the policy.

Prima facie, considering the reasons assigned by the Tribunal in paragraph 15 of the judgment, the claimants are permitted to withdraw an amount of Rs.1 lakh subject to filing an undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. The remaining amount shall be invested in Fixed Deposit. Civil application is allowed and disposed of.

JUDGE