

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

**CIVIL APPLICATION [CAO] NO.2050 OF 2015**  
**IN**  
**FIRST APPEAL NO.1135 OF 2015**

(TATA AIG General Insurance Co. Ltd. vs. Smt. Vidya wd/o Murlidhar Jadhao and others)

=====

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

=====

Court's or Judge's Orders

Shri S.G. Joshi, Advocate for the applicants/respondents.  
 Shri H.N. Verma, Advocate for the non-applicant/appellant.

**CORAM : R.K. DESHPANDE, J.**

**DATE : 18<sup>th</sup> MARCH, 2016.**

Heard the learned Counsels appearing for the parties.

The total compensation awarded by the Motor Accident Claims Tribunal is Rs.9,26,426/-, is deposited by the insurance company in this Court.

The learned Counsel for the appellant relies upon the decision of the Apex Court in **Pramod Kumar Agrawal and others vs. Mushtari Begum and others**, reported in **III (2005) ACC 357 (SC)**. In this decision, it is held that before release of amount to the claimants, owner of the vehicle shall furnish security for entire amount which insurer will pay to the claimants. The said position cannot be disputed. However, in the present case, one of the questions required to be considered is, whether the policy in question covers the risk of the

occupants, even if the occupants who have died or injured, are not considered to be the third party?

Keeping in view the controversy involved in this matter, the claimants are permitted to withdraw 50% of the amount, so deposited, upon furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

The application is disposed of as such.

**JUDGE**

*\*sdw*