

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1495 OF 2017
IN FAST/19573/2015 WITH CA/9357/2015 IN FAST/19573/2015 WITH
CA/9358/2015 IN FAST/19573/2015

VISHAL ARUN AVHAD AND OTHERS
VERSUS
NEW INDIA ASSURANCE CO. LTD. THR ITS DIVISIONAL MANAGER,
AHMEDNAGAR AND ANR

...
Advocate for Applicants : Mr. A.P. Avhad
Advocate for Respondents : Mr. S.G. Chapalgaonkar

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CORAM : V. K. JADHAV, J.
DATED : 3rd FEBRUARY, 2017

PER COURT:-

1. Heard.
2. Learned counsel for the applicants submits that the bread winner of the family met with a accidental death and the applicants were entirely dependent upon the income of deceased. The applicants have no independent source of income.
3. Learned counsel for the respondent insurer submits that the accident and the vehicle involved in the so called accident has been denied and the person who lodged the F.I.R. has also turned hostile before the Court conducting the criminal trial, however, before the Tribunal, the same witness has deposed about happening of the

accident.

4. On perusal of impugned judgment and award, it appears that the said witness was not confronted with his previous statement nor the notes of criminal court was produced before the Tribunal. However, the same may be considered at the time of final hearing of the appeal. Considering the fact fact bread winner of the family met with an accidental death and the applicants have no independent source of income, applicant Nos. 3 and 4 are permitted to withdraw the amount of Rs.10,00,000/- (Rupees Ten lacs only) in the ratio of 75% and 25%, respectively, on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)

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