

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

995 CIVIL APPLICATION NO. 2381 OF 2017
IN FA/1250/2014 WITH CA/7233/2010 IN FA/1250/2014

TULSABAI CHOTELAL ADWASI AND ORS
VERSUS
NEW INDIA ASSURANCE CO LTD, THR ITS DIVISIONAL MANAGER,
AURANGABAD AND ORS

...
Advocate for Applicants : Nagori Girish
Advocate for Respondents : S. G. Chapalgoankar For R/1

...
CORAM : V.K. JADHAV, J.
DATE : 17-02-2017.

P.C. :

1. The learned counsel for the respondent-insurer has strongly resisted the application, on the ground that the deceased Chotelal was traveling in a vehicle involved in the accident as a gratuitous passenger. The learned counsel for the applicants submits that deceased Chotelal was crushed under the rear side cleaner wheel of the truck involved in the accident and the accident had taken place when the truck was being taken in the reverse direction.

2. Considering the challenge made to the judgment and award passed by the tribunal and the fact that the bread winner of the family of the applicants died in the said unfortunate accident. The applicants are permitted to withdraw the entire amount deposited before this court on furnishing undertaking to the satisfaction of the Registrar (Judicial). Civil application is accordingly disposed of.

(V.K. JADHAV)
JUDGE