

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8588 OF 2016
IN FAST/17233/2016 WITH CA/1487/2017 IN FAST/17233/2016

NEW INDIA INSURANCE CO. LTD.
VERSUS
SHAIKH SATTAR SHAIKH HAMID AND ANR

...
Advocate for Applicant : Mr. Chapalgaonkar S. G.
Advocate for Respondents : Mr. Vishnu Y. Patil
.....

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

PER COURT:-

1. Heard learned counsel for the applicant and respondent No.1.
None appears for respondent No.2 though duly served.
2. For the reasons stated in civil application, delay caused in preferring first appeal is hereby condoned. Civil application is allowed and disposed of.
3. In first appeal, issue notice to the respondents, returnable on 17.03.2017. Learned counsel waives notice for respondent No.1.
Call for record and proceedings.
4. In so far as the civil application for withdrawal of amount is concerned, learned counsel for the applicant in civil application

No.1487 of 2017 submits that the applicant's only son met with accidental death and he was earning member in the family. Learned counsel for the respondent-insurer submits that deceased Shaikh Ansar was travelling in goods vehicle as a passenger and therefore, the application for withdrawal of amount be rejected.

5. On perusal of impugned judgment and award, it appears that the Tribunal, after considering the evidence, has observed that deceased Shaikh Ansar was travelling in goods vehicle alongwith his goods. In view of this, the applicant is permitted to withdraw the amount to the extent of 50% on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court. Rest of the amount be invested in fixed deposits, in any nationalized Bank, initially for a period of three weeks and the fixed deposits be renewed thereafter from time to time until further orders. Civil application for withdrawal of amount is disposed of.

(V. K. JADHAV, J.)

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