

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 3596 OF 2017
IN FA/1159/2017

SUNITA SUNIL LODHA AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD. THR ITS BRANCH
MANAGER, AURANGABAD AND O

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Advocate for Applicants : Shri Karpe Rahul R.
Advocate for Respondents : Shri Mohit R. Deshmukh h/f Shri S. G.
Chapalgoankar For R/1.

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CORAM: V.K. JADHAV, J.
DATE :- 07th April, 2017.

Per Court:

1 The learned counsel for the Applicants submits that the bread winner of the family met with an accidental death and the Applicants have no independent source of income. The learned counsel submits that though the Respondent/ Insurer has raised the defence of non involvement of the insured vehicle in the accident, the Tribunal, after considering the evidence, has fasten the liability on the Respondent/ Insurer to pay the compensation.

2 The learned counsel for the Respondent/ Insurer submits that the Respondent/ Insurer has challenged the judgment and award passed by the Tribunal on the ground that the complaint was lodged belatedly and involvement of the vehicle in the accident is doubtful.

3 Considering the above submissions and the fact that after registration of the crime the concerned Police Station submitted the charge sheet against the driver of the offending vehicle, the Applicants are hereby permitted to withdraw 50% of the amount deposited in this Court on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court. The Civil Application is, accordingly, disposed of.

(V.K. JADHAV, J.)