

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

86 CIVIL APPLICATION NO. 4956 OF 2017

IN

FIRST APPEAL NO. 3964 OF 2017

SK. RAFIQ SK. AZIZ AND ORS

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. THR ITS AUTH.
SIGNATORY RAVIKANT YADHAV

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Advocate for Appellant : Mr. Nagargoje Ankush N.

Advocate for Respondent No.1 : Mr. M. M. Ambhore

CORAM : K. L. WADANE, J.

DATE : 9th October, 2017

ORDER:

1. Heard learned counsel for the applicants as well as learned counsel for the respondent Insurance company.

2. This is an application filed by the applicants claimants for withdrawal of the amount of compensation deposited by the insurance company in this Court.

3. The learned counsel appearing for the respondent insurance company has opposed the application on the ground that the injured was travelling in the goods vehicle which is in contravention of the terms and condition of the policy. The learned counsel appearing for the applicant submits that injured was travelling in the vehicle for bringing fruits and in the

Panchanama, empty bags were seized. At present, the award is in favour of the applicants/ claimants.

4. In view of the above, considering the object of the Motor Vehicles Act and the compensation awarded, I am of the opinion that at least 50% of the amount deposited in the court can be paid to the applicants.

5. Hence, the applicants are allowed to withdraw 50% of the amount deposited in this Court together with proportionate interest accrued thereon on furnishing undertaking that in the event of adverse order passed in the appeal, they will redeposit the entire amount so withdrawn within a period of 12 weeks.

6. Civil Application disposed of.

(K. L. WADANE, J.)

JPC