

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10651 OF 2017
IN FA/1806/2016

PUSHPABAI NIMBA PATIL (MUKUT) AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD. THR ITS BRANCH MANAGER,
AURANGABAD AND O

...

Advocate for Applicants : Mr. M.M. Bhokarikar
AGP for Respondents: Mr. M.R. Deshmukh h/f. Mr. S.G. Chapalgaonkar.

CORAM : K.K. SONAWANE, J.

DATE : 11th October, 2017.

PER COURT:

1] Heard learned counsel for the applicant and learned counsel for the respondent Insurance company as well as learned counsel for the respondent No.2 owner of the offending vehicle. Despite service of notice none appears for the respondent No.3.

2] It has been submitted that the insurance company has deposited an amount of Rs. 3,73,770/- being part of compensation amount as awarded by; the Tribunal. In view of nature of subject matter and the grounds mentioned in the appeal, there is no impediment to allow the applicant to withdraw 50% of the amount deposited by the insurance company in this court. Hence, the application to that effect deserves to be allowed.

3] Accordingly, the application stand allowed. The applicants are entitled to receive 50% of the amount deposited by the respondent No.1 insurance company being part of compensation amount awarded by the learned Tribunal. Applicant shall furnish an undertaking to the satisfaction

of the registrar (Judicial) of this court, to the effect that in case adverse situation arises after adjudication of the appeal on merit, in favour of the appellant insurance company, the applicants will refund the amount forthwith as per the directions of this Court. Rest of the amount deposited on behalf of the insurance company be invested in any nationalized bank for a period of two years or till adjudication on merit. Registry to do the needful for disbursement of the amount in favour of the applicants, as per rules. Application for withdrawal of amount stands disposed of accordingly.

[K.K. SONAWANE]
JUDGE.

grt/-