

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
965 CIVIL APPLICATION NO. 10988 OF 2017
IN FA/33/2013

SHILA ANIRUDHA OVHAL AND ORS
VERSUS
ASHOK RAMCHANDRA GAIKWAD AND ORS

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Advocate for Applicants : Mr. S.J. Salunke .
Advocate for Respondent No. 1 : Mr. N.L. Jadhav & G.M.
Shingare.

Advocate for Respondent No. 2 : Mr. B.A. Shinde.
Advocate for Respondent No. 3 : Mr. D.P. Deshpande.

CORAM : K. L. WADANE, J.

DATE : 31st August, 2017

ORDER:

1. Heard learned counsel appearing for the applicants and the learned counsel appearing for the respondents.

2. Learned counsel appearing for the Insurance Company opposed the payment of entire compensation amount to the claimants/applicants on the ground that the deceased was occupant in the private vehicle i.e. jeep as a fare paid passenger and the same is accepted by the learned Tribunal. It is further points out that there was accident between two vehicles i.e. jeep and truck. Both the vehicles are insured with the same Insurance Company i.e. present appellant.

3. In view of the above, at least 50 % amount can

be paid to the applicants.

4. Civil Application is allowed.

5. The applicants are permitted to withdraw 50 % amount together with interest deposited in this Court with undertaking that in case adverse orders are passed against them, they will deposit the same amount of compensation in this Court within a period of 12 weeks.

6. The amount of compensation be paid to the applicants by account-payee separate cheque.

7. Civil Application is disposed of.

(K. L. WADANE, J.)

mkd