

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

**10 CIVIL APPLICATION NO. 9945 OF 2017
IN FA/1770/2017**

ANITA DNYANESHWAR WAGH AND ORS

VERSUS

M/S IFFCO TOKIO GENERAL INSURANCE CO. LTD. AND ANR

...

Advocate for Applicants :Mr. Katneshwarkar S. P.

Advocate for Respondent No.1 : Mr.V. N. Upadhye

CORAM : K. L. WADANE, J.

DATE : 20th September, 2017

ORDER:

1. Heard.

2. This is an application for withdrawal of the amount of compensation deposited by the appellant Insurance Company. The application is opposed by the learned counsel for the appellant Insurance company on the ground that the deceased was travelling in the goods vehicle and therefore the Insurance company was not responsible to pay compensation, however, the learned Tribunal has held that the deceased was travelling alongwith goods and awarded compensation.

3. The learned counsel for the applicants submits that applicant No.1 is a widow and applicant Nos.2 and 3 are children of the deceased, aged about 3 years and one years, respectively.

4. Considering the defence taken by the appellant Insurance Company, I am of the opinion that at least 50% amount can be paid to the applicants on furnishing solvent security.

5. In view of the above, the applicants are permitted to withdraw 50% of the amount on furnishing solvent surety to the satisfaction of the Registrar of this Court.

6. Civil Application disposed of.

7. In Appeal, Call record and proceedings.

(K. L. WADANE, J.)

JPC