

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
964 CIVIL APPLICATION NO. 10760 OF 2017
IN FA/3155/2017

ARCHANA SHAM JADHAV AND ORS
VERSUS
THE UNITED INDIA INSURANCE CO. LTD, THR ITS AUTHORIZED
SIGNATORY AURANGABAD AND A

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Advocate for Applicants : Mr. Nirmal Ramchandra J.
Advocate for Respondent No. 1 : Mr.S. G. Chapalgoankar.

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 Insurance Company.

2. Mr. Chapalgaonkar, learned counsel appearing for the Insurance Company opposed the application and payment of entire compensation amount on the ground that, initially the FIR was registered against the deceased as he gave dash to a stationary truck. Subsequently, after six days, the pillion rider gave statement before the police and alleged the involvement of truck and the negligence of the truck driver. Mr. Chapalgaonkar further submits that the truck driver was not made party to the proceedings.

3. As against this learned counsel appearing for

the applicants submits that, now the applicant No. 4 attains the marriageable age and the applicant No. 1 is going to perform her marriage. For that purpose huge amount is required.

4. Considering the submissions by the learned counsel for the applicants and the defence raised by the Insurance Company, I am of the opinion, at least 35 % amount can be paid to the applicants to meet out their day today requirements and for the expenses of marriage.

5. Civil Application is allowed.

6. The applicants are permitted to withdraw 35 % amount of compensation together with interest on the undertaking that in case adverse orders are passed in the appeal, they shall deposit the amount of compensation in this court within a period of 12 weeks.

7. Civil Application is disposed of.

(K. L. WADANE, J.)

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