

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 CIVIL APPLICATION NO. 12872 OF 2016
IN FAST/21617/2016 WITH CA/10787/2016 IN FAST/21617/2016
WITH CA/10789/2016 IN FAST/21617/2016

CHANDRAKALA VIKAS MOGAL AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD. AND ORS

...
Advocate for Applicants : Dhakane Rajendra B.
Advocate for Respondents : S.g. Chapalgaonkar For R/1

...
CORAM : V.K. JADHAV, J.
DATE : 17-02-2017.

P.C. :

1. Heard both the sides. The learned counsel for the respondent-insurer submits that, the deceased was traveling in a vehicle involved in the accident as a gratuitous passenger. The learned counsel for the applicant original claimants submits that, the deceased had hired the machine which was required for digging the well and he was transporting the said machine in the truck involved in the accident. The tribunal has therefore held that the deceased is not a gratuitous passenger and accordingly awarded the compensation. The learned counsel submits that, the bread winner of the family met with an accidental death and the applicants were entirely depending upon the income of the deceased. The learned counsel further submits that applicant nos. 2 and 3 are at marriageable age and the applicant no.1, requires the amount for the purpose of their marriage.

2. In view of the above submissions and considering the challenge made to the judgment and award passed by the tribunal the applicants are permitted to withdraw an amount of Rupees Twelve Lakhs from the amount deposited before this court on furnishing undertaking to the satisfaction of Registrar (Judicial). Civil application is accordingly disposed of.

(V.K. JADHAV)
JUDGE

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