

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 CIVIL APPLICATION NO. 13027 OF 2016
IN FA/2624/2016 WITH CA/9723/2016 IN FA/2624/2016

SANGITA SANJAY DHENG AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD. AND ORS

...
Advocate for Applicants : Mr. Choudhari Sushant B
Advocate for Respondent No.1 : Mr. S.G.Chapalgaonkar
Advocate for Respondent No.3 : Mr. S.B. Phatale
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CORAM : V. K. JADHAV, J.
DATED : 3rd MARCH, 2017

PER COURT:-

1. Heard both sides.
2. Learned counsel appearing for respondent insurer has strongly resisted the application for withdrawal of amount. Learned counsel submits that there is false involvement of vehicle in the accident and even though the doctor, who has examined the deceased, recorded the history about fall from the motor cycle, belatedly a complaint came to be lodged against the rider of another motor cycle with the averment that the deceased was standing on the road.
3. Learned counsel for the applicants submits that though the complaint was lodged belatedly, after due investigation, the police submitted charge sheet against the rider of the motor cycle. The

witness Medical Officer, who has deposed before the tribunal about the history of fall from motor cycle recorded during the course of examination of deceased, however, admitted in his cross examination that the said history was recored by his staff.

4. In view of above submissions and fact that bread winner of the family met with an accidental death and the applicants/original claimants were entirely depending upon the income of deceased, the applicants are permitted to withdraw the amount of Rs.5,00,000/- (Rupees Five lacs) by burnishing undertaking to the satisfaction of Registrar (Judicial) of this Court.

5. Civil application for withdrawal of the amount is disposed of.

(V. K. JADHAV, J.)

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