

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
74 CIVIL APPLICATION NO. 12753 OF 2017
IN FA/1799/2017

SANJAY BHOJIRAM HATAGALE AND ANR
VERSUS
BAJAJ ALLIANZ INSURANCE CO. LTD THR ITS BRANCH MANAGER,
AURANGABAD AND ANR

...

Advocate for Applicants : Mr.Ghatol Patil Shahaji B.
Advocate for Respondent No.1: Mr. S. G. Chapalgaonkar

CORAM : K. L. WADANE, J.

DATE : 9th October, 2017

ORDER:

1. Heard learned counsel for the applicants as well as learned counsel for the respondent Insurance company.
2. This is an application filed by the applicants claimants for withdrawal of the amount of compensation deposited by the insurance company in this Court.
3. The learned counsel appearing for the respondent insurance company has opposed the application on the ground that at the time of accident, the vehicle was used for hire and therefore the respondent Insurance company is not responsible for compensation. However, at present, the award is in favour of the applicants/claimants. There was a death of daughter of the applicants, aged about 10 years.

4. In view of the above, I am of the opinion that at least 50% of the amount deposited in the court can be permitted to be withdrawn. Hence, the applicants are allowed to withdraw 50% of the amount deposited in this Court together with proportionate interest accrued thereon on furnishing undertaking that in the event of adverse order passed in the appeal, they will redeposit the entire amount so withdrawn within a period of 12 weeks.

5. Civil Application disposed of.

(K. L. WADANE, J.)

JPC