

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

927 CIVIL APPLICATION NO. 14727 OF 2017
IN FAST/23232/2017

SUREKHA DNYANESHWAR LANKE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORISED
SIGNATORY, ADMINISTRATIVE OF

...

Advocate for Applicants : Mr. Ujjwal S. Patil
Advocate for Respondent No. 1 : Mr.D. P. Deshpande.

CORAM : K. L. WADANE, J.

DATE : 8th December, 2017

ORDER:

1. This is an application for withdrawal of amount of compensation deposited by the Insurance Company/ respondent No.1.

2. Heard both the sides.

3. Learned counsel for the insurance company opposes the application on the ground that the deceased was travelling as a fare paid passenger in the vehicle involved in the accident. Therefore, there is clear cut breach of terms and conditions of the policy.

4. As against this learned counsel for the applicants submits that the deceased was friend of the driver/owner of the vehicle involved in the accident. There is no evidence on record to show that the

deceased was fare paid passenger. At present the award is in favour of the applicants.

5. In such circumstances, I am of the opinion that at least 50% amount of compensation can be paid to the applicants on undertaking.

6. Application is allowed. The applicants are permitted to withdraw 50% amount of compensation together with accrued interest on undertaking that in case, adverse orders are passed against the applicants then they will redeposit the same within a period of 12 months from the date of passing of the order.

7. Civil Application is disposed of.

(K.L.WADANE, J.)

mkd