

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.967 OF 2014
IN
FIRST APPEAL NO.552 OF 2016

Surekha Dhanaji Chavare

... Applicant

IN THE MATTER OF:

Bajaj Allianz General Insurance
Company Ltd.

... Appellant

Vs.

Dhanaji Rangnath Chavare & Ors.

... Respondents

Mr.R.A. Zade for the Applicant

Ms.Uttara Thatte h/f M.M. Sathaye for Respondent / Insurance co.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: NOVEMBER 21, 2017

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved for withdrawal of the amount which was deposited by the insurance company pursuant to the judgement and order dated 27.2.2017 passed in MACP No.293 of 2009 by the learned Member, Motor Accident Claims Tribunal, Baramati. The compensation awarded was Rs.2,64,000/- alongwith interest @ 8%p.a.

3. The applicants are the original claimants. During the pendency of the appeal, the father of the deceased died. So, the mother, the other applicant has moved application as the applicant and a legal heir of her husband. It is submitted that till today, no amount is withdrawn by the applicant.

4. Learned Counsel for the Insurance company is present and while opposing the application submitted that the insurance company has a good ground on merits as the insurance company has raised the defence that the deceased was a fare paying passenger in the vehicle.

5. For the reasons stated in the civil application, it is allowed. The applicant/claimant is allowed to withdraw 50% of the amount deposited alongwith interest accrued thereon, upon furnishing a usual undertaking to the satisfaction of the Registrar, Motor Accident Claims Tribunal, Baramati.

6. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)