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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2884 OF 2018
IN
FIRST APPEAL STAMP NO.37023 OF 2017

Ratnmala Parmeshwar Khelabade and Others

APPLICANTS

VERSUS

ICICI Lombard General Insurance Co.Ltd.,& Ors. RESPONDENTS

.....

Mr. Pravin N. Kalani, Advocate for the applicants

Mr. A. G. Choudhari, Advocate for respondent No.1

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 16th MARCH, 2018

ORDER :

1. Heard learned advocates for the parties.
2. Learned advocate for the applicants submits that applicants' only bread earner had been snatched away in the accident and the family is suffering not only ignominy in the society but also is suffering very pitiable living conditions. Their daily economic needs are also not being met with.
3. Learned advocate for respondent No.1, however, submits that involvement of the vehicle itself may be doubtful and in such a case, the insurer of said vehicle may not be liable to bear

the burden of compensation. He, therefore, purports to resist the application.

4. However, looking at that claim of the applicants has been accepted and looking at the facts and circumstances of the case, it would be expedient to allow the applicants to withdraw the amount deposited in this court, on furnishing undertaking to the effect that in case appeal is decided against their interest, they would deposit the amount in this court within a period of three months from the date of such decision. Withdrawal of the amount shall be in the same proportion as referred to in the award and should receive the treatment as referred to therein.

5. In the circumstances, amount of Rs.2,38,000/- be allowed to be withdrawn by applicant No.1 with interest accrued thereon on furnishing undertaking to the effect that she would deposit the same in case appeal is decided against her interest within a period of three months from the date of such decision. Rest of the amount of Rs.3,00,000/- along with interest accrued till date be invested in a fixed deposit in any nationalized bank earning interest and trimonthly interest earned on the same be remitted to the bank account of applicant No.1 for expenses of applicants No.2 and 3 on furnishing undertaking to the effect that the

amount of interest so remitted would be spent for the expenses of applicants No.2 and 3.

6. Civil application as such, stands disposed of.

[SUNIL P. DESHMUKH, J.]

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