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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3083 OF 2018
IN
FIRST APPEAL NO.85 OF 2011

Mangal Raju Tambe and Others

APPLICANTS

VERSUS

United India Insurance Co. Ltd., and Others

RESPONDENTS

.....

Mr. Avinash M. Nagarkar, Advocate for the applicants

Mr. S. G. Chapalgaonkar, 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 applicants and respondent - appellant.
2. Learned advocate for the applicants submits that with the passage of time, day by day, it is becoming difficult to carry on life for the applicants' family as they require financial assistance for survival. The tribunal has held the applicants entitled to the sum awarded. Till date, they could get only Rs.25,000/- that too on furnishing security. They are living in pitiable condition. As such, they may be allowed to withdraw the amount deposited in

this court. It is further submitted that the applicants, who were minor while award had been passed by the tribunal, have now become major and are taking education. The family as such, requires amount.

3. Learned advocate Mr. Chapalgaonkar for the respondent - appellant, however, submits that a fraud has been committed by the owner of the vehicle and the insurer in law would not be liable to bear burden of compensation and as such, he purports to resist the withdrawal sought.

4. However, having regard to that the concerns and needs as have been expressed in the submissions of the applicants will be required to be given their due in the facts and circumstances and with the passage of time. In view of aforesaid, the applicants are allowed to withdraw a total sum of Rs.2,00,000/- along with interest accrued thereon. Fifty percent of Rs.2,00,000/- be allowed to be withdrawn on furnishing undertaking to the effect that the amount will be deposited in this court within six months in case appeal is decided against the interest of the applicants and rest of the fifty percent of Rs.2,00,000/- be allowed to be withdrawn by the applicants on furnishing solvent security to the satisfaction of the Registrar (Judicial). Needless to refer to that

apportionment of the amount withdrawn shall be equal among the applicants.

5. Civil application stands disposed of accordingly.

[SUNIL P. DESHMUKH, J.]

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