

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

CIVIL APPLICATION NO. 3233 OF 2018
IN
FIRST APPEAL [STAMP] NO. 42127 OF 2017

Vaishali w/o Ananda Bhadane and others .. Applicants

versus

United India Insurance Company Ltd & ors. .. Respondents

Mr. L. V. Sangeet, Advocate for applicants

Mr. S. S. Rathi, Advocate for respondent no.1

CORAM : SUNIL P. DESHMUKH, J.

DATE : 9th March, 2018

ORDER :

1. Heard learned counsel for parties.
2. Learned counsel for applicant submits that family of applicants is in dire need of money and that they have not received any amount from awarded compensation except no fault liability. The claimants have incurred expenditure on several heads and they also require amount for education of minor children and maintenance of family.
3. Learned counsel submits that the appellant has no case whatsoever on any count and it is unlikely that the appellants would succeed in appeal. He, therefore, urges to allow the applicants to withdraw the amount deposited.

4. Learned counsel for appellant - insurer submits that there are lot of aspects involved in the matter which would be required to be taken into account factually and legally, particularly about liability arising out of accident and magnitude of earning of deceased and purports to oppose the application.

5. Having regard to that only earning member in the family lost his life and the vehicle being insured and there does not appear to be any dispute over the expenses being and to be incurred by the applicants, it would be expedient to allow withdrawal of ₹ 25,00,000/- along with interest accrued thereon by applicants on furnishing undertaking to the effect that in the event decision in the first appeal goes adverse to their interest, they would pay back/deposit said amount in this court within a period of three months from the date of decision in the appeal.

6. Rest of the amount be invested in fixed deposit receipts in a nationalized bank earning interest.

7. Learned counsel for applicants further submits that the amount being allowed to be withdrawn be transferred to the motor accident claims tribunal, Dhule for facilitating the applicants to withdraw the same.

8. As such, an amount of ₹ 25,00,000/- with interest thereon be transmitted to the motor accident claims tribunal, Dhule for

withdrawal by applicants subject to filing undertaking as aforesaid before said tribunal and a copy thereof be furnished to this court.

9. Civil application is disposed of.

SUNIL P. DESHMUKH,
JUDGE

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