

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

CIVIL APPLICATION NO. 4304 OF 2018
IN
FIRST APPEAL NO. 4967 OF 2017

Ramnath Asaram Shelke and another .. Applicants

versus

SBI General Insurance Company Limited
and others .. Respondents

Mr. Kakasaheb B. Jadhav, Advocate for applicants
Mr. S. S. Patil, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
DATE : 27th March, 2018

ORDER :

1. Heard learned counsel for the parties.
2. Accident took place in 2013. Claimants-applicants were granted a sum of Rs.5,03,000/- along with interest thereon by the Member, Motor Accident Claims Tribunal. Deceased Rajesh, according to applicants-claimants had been earning hand and claimants had been dependent on his income, however, the same has been taken away in the accident. The claimants' economic condition is getting deteriorated day by day and they have been suffering. Their living conditions have been

precarious since the death of son of applicants no. 1 and 2 has taken place. Applicants, therefore, submit that they need the amount for day to day expenses and to meet other family requirements.

3. Learned counsel for respondent, however, submits that at the time of accident it can hardly be said that vehicle had been insured with the appellant-insurer. The policy had been taken after the incident and, as such, the insurance company would not be liable.

4. Although aforesaid is the submission on behalf of appellant - insurance company yet, one will have to give regard to that the applicants' claim has been vindicated under the decision of the tribunal. Their financial condition contended does not appear to be in serious dispute.

5. In the circumstances, it would be expedient if applicants are allowed to withdraw seventy five per cent of the amount deposited, with interest accrued thereon subject to furnishing undertaking.

6. As such, the applicants are allowed to withdraw seventy five per cent of the amount deposited in this court with accruals thereon on furnishing undertaking to the effect that in case the

decision in the first appeal goes adverse to their interest, the amount being withdrawn by them would be paid back / deposited in this court within a period of three months from the date of decision in appeal.

7. Civil application is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd/-