

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

CIVIL APPLICATION NO. 4272 OF 2018
IN
FIRST APPEAL NO. 5126 OF 2016

Raosaheb Himmatrao Sonawane and others .. Applicants

versus

SBI General Insurance Company Limited .. Respondent

Mr. Prasanna Dadpe, Advocate h/f Mr. Punit Mehta, 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. The claimants-applicants were granted a sum of Rs.4,27,000/- along with interest thereon at the rate of 9 per cent per annum by the Member, Motor Accident Claims Tribunal. Deceased, according to the 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 and brother of applicant no. 3 has taken place. Applicants, therefore, submit that they need the amount for day to day expenses and to meet with other 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 the decision of the tribunal is in favour of applicants as on this date and that their precarious financial condition does not appear to be in serious dispute.

5. In the circumstances, applicants could to be allowed to withdraw seventy five per cent of the amount deposited, along with interest accrued thereon subject to undertaking.

6. As such, the applicants are allowed to withdraw seventy five per cent of the amount deposited in this court along 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interest, the amount being withdrawn by them would be paid back / deposited in this court within a period of three months from the date of decision in appeal.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/-