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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5174 OF 2018
IN
FIRST APPEAL STAMP NO.29645 OF 2017

Jijabai Ukhadu Sherkar and Another

APPLICANTS

VERSUS

New India Assurance Co. Ltd., and Others

RESPONDENTS

.....

Mr. Mahesh K. Bhosale, Advocate for the applicants

Mr. M. M. Ambhore, Advocate for respondent No.1

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 13th APRIL, 2018

ORDER :

1. Heard learned advocates for the parties.
2. The application is for withdrawal of amount by the claimants, who are wife and son respectively of deceased Ukhadu, who died in a motor vehicle accident on 23rd January, 2014, taking away bread earning member from the family.
3. The tribunal appears to have granted compensation of Rs.1,75,000/- inclusive of no fault liability amount which is already withdrawn by the claimants.
4. The claimants submit that bread earning member of the

family had been taken away in the accident and the family is exposed to economic difficulties and they are in dire need of the money for day to day living.

5. After hearing learned advocates for the appearing parties, it transpires that the vehicle had been insured and the insurance company claims that the driver of the vehicle had not been possessing valid driving licence. In the circumstances, it appears that the insurance company disowns responsibility for compensation for breach of terms of policy.

6. However, having regard to the need which is not in dispute and quantum of compensation granted, it would be expedient that the applicants are allowed to withdraw the amount deposited in this court on furnishing an undertaking to the effect that in case the appeal is decided against their interest, they would deposit the amount so withdrawn within a period of three months from such decision.

7. Civil application stands disposed of accordingly.

[SUNIL P. DESHMUKH, J.]