

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

CIVIL APPLICATION NO. 12754 OF 2018 IN FA/5107/2017

MUKTA RAGHUNATH INGLE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORISED
OFFICIAL AND DIV. MANAGER, A

...
Advocate for Applicants : Mr. Suraj R. Bagal
Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar

...
CORAM : SUNIL K. KOTWAL, J.
DATED : 12th OCTOBER, 2018.

ORDER :-

Heard learned counsel for applicants and learned counsel for respondent No.1 - Insurance Company.

2. Learned counsel for respondent No.1 vehemently objected the present application on the ground that the deceased was travelling as gratuitous passenger, even the registration of truck was cancelled on the date of accident. The vehicle was without registration and permit, therefore, there is breach of terms of insurance policy. These points are to be considered on merits at the stage of final hearing. Till today, record and proceeding is not called, though all parties are served.

3. However, considering the technical objection on behalf of learned counsel for Insurance Company as well as need of the applicants, the applicants are permitted to withdraw only 25 % of the amount of compensation deposited in this Court subject to furnishing solvent security by the applicants-claimants for the said amount within eight (8) weeks from the date of passing of this order.

4. Call for record and proceedings.

5. List the first appeal for final hearing at the stage of admission on 29th October, 2018.

[SUNIL K. KOTWAL]
JUDGE

rrd.