

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

6 CIVIL APPLICATION NO. 10479 OF 2018
IN FAST/28962/2015

MANGAL SANTOSH ADHAV AND OTHERS
VERSUS
NEW INDIA ASSURANCE CO. LTD. THR ITS AUTHORIZED
SIGNATORY AURANGABAD AND ORS

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Advocate for Applicants : Mr. Tambe Rahul A.
Advocate for Respondent no.1 : Mr. S. G. Chapalgaonkar
Advocate for Respondent no.3 : Mr.A. T. Kanawade &
Shardul S.Dev

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CORAM : SUNIL K. KOTWAL, J.

DATE : OCTOBER 15, 2018

O R D E R :

Heard learned counsel for the applicants and
the learned counsel for the insurance company.

2. It is pointed out that permit of the offending
vehicle was not renewed up to the date of accident.
However, at this stage, on technical objection, no
opinion can be expressed.

3. Considering the nature of litigation as death
claim, permission is granted to the applicants to

withdraw 50 per cent amount, subject to filing of written undertaking in First Appeal by applicant nos. 1, 4 and 5 to deposit the withdrawn amount as and when directed by this Court. Remaining amount shall be invested in any Nationalized Bank in fixed deposit till final hearing of this appeal.

4. 50 per cent amount with proportionate interest thereon be transmitted to the Motor Accident Claims Tribunal, Shrirampur, for its payment. The Motor Accident Claims Tribunal, Shrirampur to obtain written undertaking from applicant nos. 1, 4 and 5 as directed above and transmit the same to this Court in First Appeal Stamp No. 28962 of 2015.

5. The Registrar (Judicial) to act accordingly.

6. Civil Application is disposed of.

[SUNIL K. KOTWAL, J.]

dbm