

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

907 CIVIL APPLICATION NO. 12281/2018
IN FA/979/2017
WITH CA/12283/2018 IN FA/840/2017
WITH CA/12284/2018 IN FA/980/2017
WITH CA/12285/2018 IN FA/1914/2017
WITH CA/12288/2018 IN FA/2705/2015
WITH CA/12289/2018 IN FA/1917/2017

NIKHIL MARUTI VERULKAR AND ANR
VERSUS
M/S PAN FRESH FRUIT AND FOOD INDIA PVT LTD NAGPUR
THRDIRECTOR AND ANR

...
Advocate for Applicants : Mr.G.A.Nagori
Advocate for Respondent No.1 : Mr.P. V.Barde
Advocate for Respondent No.2 :Mr. V. N. Upadhye

...
CORAM : SUNIL K.KOTWAL, J.

DATE : OCTOBER 4, 2018

O R D E R :

Heard learned counsel Shri Nagori, learned counsel for applicants and learned counsel for respondents.

2. Learned counsel for Insurance Company has taken objection that policy of the insurance does not cover the risk of the applicants who were travelling as gratuitous passenger to goods vehicle.

3. However, at this stage, this Court cannot express the

merits of the matter.

4. Considering the nature of the litigation, as amount of compensation is deposited before the Commissioner, it is desirable to allow applicants to withdraw certain amount subject to following conditions :

- a) Application is allowed.
- b) Applicants are permitted to withdraw 75% of the compensation amount together with accrued interest thereon deposited before the Commissioner subject to filing of solvent surety to the satisfaction of the Commissioner for the withdrawn amount.
- c) Remaining amount be invested in fix deposit till final disposal of the appeals.

2. Civil Applications are disposed of.

[SUNIL K.KOTWAL, J.]

mahajansb/