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

**CIVIL APPLICATION NO. 11593 OF 2017**  
**IN**  
**FIRST APPEAL NO.3198 OF 2017**

Nabhabai Gorakh Gaikwad and Others

APPLICANTS

VERSUS

Bajaj Allianz General Insurance Co. Ltd,.

RESPONDENT

.....

Mr. Shrikant S. Patil, Advocate for the appellant

Mr. S. G. Chapalgaonkar, Advocate for respondent

.....

**[CORAM : SUNIL P. DESHMUKH, J.]**

**DATE : 16<sup>th</sup> MARCH, 2018**

**ORDER :**

1. Heard learned advocates for the parties.
2. Learned advocate for the applicants refers to that the only bread earner of the family has been lost in the accident way back in 2012 and beyond no fault liability amount, they have not received anything. Their claim has been granted only to the extent as appearing in the award. The applicants are in dire need of the amount. Applicant No.1 is a widow and rest of the applicants are minor children. They have no source worth the name to earn livelihood.

3. Mr. Chapalgaonkar, learned advocate submits that involvement of the vehicle insured with the appellant is doubtful. There are lot of circumstances indicating that vehicle insured may not be involved in the accident and in the circumstances, liability may not be incurred by the insurer.

4. However, looking at the facts and circumstances of the case as accident has occurred in 2012 and beyond no fault liability amount the applicants have not received anything, applicant No.1 is widow and rest of the applicants are children, it would be appropriate to allow the applicants to withdraw 50% of the amount deposited in this court on furnishing undertaking before the tribunal to the effect that the applicants would deposit the amount so withdrawn within six months in case decision in the appeal goes against their interest. The amount deposited in this court be transmitted to the tribunal. From the amount so withdrawn, a sum of Rs.2,00,000/- be invested in fixed deposit earning interest and interest may be used for expenses by the applicants.

5. Application stands disposed of.

**[SUNIL P. DESHMUKH, J.]**