

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

**CIVIL APPLICATION NO. 14316 OF 2016
IN
FIRST APPEAL NO. 520 OF 2016**

Fulabai Sahebrao Sangde and others Applicants

Versus

The New India Assurance Co. Ltd.
Through Its' Admin. Officer Legal Hub
Ravikant and others. ...Respondents

...
Mr. Bhagwan R. Sable, Advocate for Applicants
Mr. S. S. Rathi, Advocate for Respondent No.1
Mr. D. D. Pokharkar, Advocate for Respondent No.2
...

CORAM : SUNIL P. DESHMUKH, J.

DATED : 6th MARCH, 2018.

Order :-

1. Heard learned counsel for parties.
2. Learned counsel for applicants submits that applicants are original claimants in M.A.C.P.No. 73 of 2013, whose claim has been only partially granted. The applicants are in dire need of compensation. Their bread earner had been lost in the accident, which had taken place in 2013.
3. Learned counsel for appellant- Insurance Company contends that there is no valid subsisting contract between insured and insurer. In the circumstances, it is the owner, who shall be liable to pay compensation. It appears to be contention directed against the insured and possibly be taken up at the hearing of appeal.
4. In the circumstances, it would not be proper to detain the claimants further from receiving the awarded compensation amount.

5. In the circumstances, it would be expedient to allow the application and permit applicants to withdraw the amount deposited in this Court along with interest accrued thereon, subject to furnishing undertaking to the effect that the amount would be paid back / deposited by them in this court within a period of three months from the date of decision in the appeal, if it goes adverse to their interest.

6. Civil application stands disposed of accordingly.

[SUNIL P. DESHMUKH]
JUDGE

MTK.