

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

35 CIVIL APPLICATION NO. 16334 OF 2016  
IN FA/2820/2017 WITH CA/13750/2016 IN FA/2820/2017

SIMINTA SANDIPAN TIDKE AND ORS

VERSUS

UNITED INDIA INSURANCE CO. LTD. THR ITS ADMINISTRATIVE  
OFFICER (T.P. HUB) MAHENDR

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Advocate for Applicants : Mr. RD Thorat, Adv. h/for Mr.  
Gangakhedkar Shailendra S (consent Obtained)  
Mr. S. S. Rathi For R/1.

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**CORAM : P.R. BORA, J.**

**DATED : 29<sup>th</sup> OCTOBER, 2018.**

**PER COURT:-**

1. Heard learned counsel for applicants and learned counsel for respondent – insurance company.
2. In view of the submissions made and after having considered the objections raised by the insurance company in exception to the impugned judgment and award and more particularly as about the fact that the policy was covering the risk of third party only to the extent of Rs.1,00,000/- and considering that it was a defense of the insurance company that deceased was occupant in the private jeep, deem it appropriate to pass the following order, -

**ORDER**

- i) At present, the applicant are permitted

(2)

to withdraw a sum of Rs.1,00,000/- of the deposited amount, on submitting an undertaking to the satisfaction of the Registrar of this Court.

ii) Balance amount be invested in Fixed Deposit Receipt in any nationalized Bank, for the further period till disposal of the appeal.

iii) The Civil Application stands disposed of.

**(P.R. BORA)**  
**JUDGE**

bdv