

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

27 CIVIL APPLICATION NO.14785 OF 2018
IN FA/2321/2018

SUGARA KHALIL SHAIKH AND ORS
VERSUS
I.C.I.C.I. LOMBORD INSURANCE CO. LTD., THR ITS MANAGER
AND ORS

...
Advocate for Applicants : Mr. Dhakane Rajendra B.
Advocate for Respondent no.1 : Mr.V. N. Upadhye
....

CORAM : SUNIL K. KOTWAL, J.

DATE : DECEMBER 10, 2018

O R D E R :

This application is filed by original claimants in Motor Accident Claim Petition No. 498 of 2015 for withdrawal of compensation amount deposited by the insurance company.

2. Learned counsel for the insurance company objects withdrawal on the ground that as per recitals of the first information report, the deceased was sitting on mudguard of the tractor at the time of accident, and therefore, his liability is not covered under the policy of insurance.

3. With the assistance of the learned counsel for the applicants, I have gone through the relevant paragraph of the judgment and award passed by the Tribunal. At this stage, I cannot express my opinion on merits of the matter. However, considering the disputed fact that out of the three applicants, two are minor, permission can be granted to withdraw only reasonable amount which is payable to applicant no.1, who is mother of the minor. Amount of Rs.15,73,799/- is deposited by insurance company towards compensation and accrued interest thereon.

4. Thus, considering the share of applicant no.1 in the said compensation amount, permission is granted to applicant no.1 to withdraw an amount of Rs.5,00,000/- (Rs.Five Lakh), subject to filing written undertaking of claimant no.1 before this Court to deposit the withdrawn amount as and when directed by this Court. The undertaking shall be filed within eight weeks from the date of passing of this order. Balance amount be deposited in fixed

deposit in any Nationalized Bank till decision of the appeal.

5. Civil Application is disposed of.

[SUNIL K. KOTWAL, J.]

dbm