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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3257 OF 2018
IN
FIRST APPEAL NO.2626 OF 2017

Sanjay Madhav Walture and Others

APPLICANTS

VERSUS

Keval Sing s/o Inder Sing and Another

RESPONDENTS

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Ms. Savita P. Kakade (Matkar) Advocate for the applicants

Mr. A. S. Usmanpurkar, Advocate for respondent No.2

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 16th MARCH, 2018

ORDER :

1. Heard learned advocates for the parties.
2. Learned advocate for the applicants submits that the family of the applicants is passing through a lean phase and they are in dire need of the amount. In spite of indication of their claim under the award of the tribunal, they have not received any amount beyond the no fault liability amount.
3. Learned advocate for respondent No.2 – appellant insurer submits that the claimants may not be able to legitimately claim compensation, having regard to various facets involved in the

matter, particularly, in view of the fact that they cannot be said to be dependents of the deceased.

4. However, looking at that as on the date the award is in favour of the claimants, it would be expedient to allow the claimants to withdraw 50% of the amount deposited in this court along with interest accrued thereon. Half of the amount allowed to be withdrawn shall be allowed to be withdrawn on furnishing solvent security to the satisfaction of the Registrar judicial and for rest of the half of the amount, the applicants shall file an undertaking to the effect that in case decision in the appeal goes against their interest, they would deposit the amount in this court within a period of three months from the date of such decision.

5. Civil application stands disposed of.

[SUNIL P. DESHMUKH, J.]