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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3245 OF 2018
IN
FIRST APPEAL STAMP NO.21325 OF 2017

Lankabai Bhaskar Kakde and Others

APPLICANTS

VERSUS

M/s Shriram General Insurance Co. Ltd., & Ors. RESPONDENTS

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Ms. Savita P. Kakade (Matkar) Advocate for applicants
Mr. M. S. Deshmukh h/f Mr. S. G. Chapalgaonkar, Advocate for
respondent No.1

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 16th MARCH, 2018

ORDER :

1. Heard learned advocates for the parties.
2. Accident had taken place in 2012. Applicants' bread earner had been lost in the incident. The applicants are facing difficulties. They have not received any amount beyond no fault liability compensation. The applicants submit that they are in dire need of money for day to day expenses.
3. Learned advocate for the respondent - appellant submits that there has been breach of terms and conditions of the

agreement as well as having regard to relevant provisions section 185 of the Motor Vehicles Act, 1988, the insurer may not be liable to pay the compensation amount.

4. Having regard to facts and circumstances and looking at that as on the date decision of the tribunal is in favour of the applicants and their concerns and need expressed by them do not appear to be unwarranted, it would be expedient to allow the applicants to withdraw 75% of the amount deposited along with interest accrued thereon. Fifty percent of the amount deposited be withdrawn on furnishing an undertaking to the effect that in case the appeal is decided against the interest of the applicants, they would deposit the amount so withdrawn within a period of six months from the date of such decision. Twenty five percent of the amount deposited shall be allowed to be withdrawn on furnishing solvent security to the satisfaction of the Registrar (Judicial).

5. Civil application stands disposed of.

[SUNIL P. DESHMUKH, J.]