

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2912 OF 2018
IN
FIRST APPEAL (STAMP) NO.15910 OF 2017

Tukaram Surayaba Bandger and Anr.	 Applicants
<i>In the matter between</i>	
Bajaj Allianz General Assurance Co. Ltd., Shahupuri, Kolhapur	 Appellant
<i>V/s.</i>	
Tukaram Surayaba Bandger and Ors.	 Respondents

Mr. B.A. Lawate for the Applicants.

Mr. Pandit Kasar for the Appellant-Insurance Company.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH SEPTEMBER, 2018.

P.C. :

1. Heard Mr. Lawate, learned counsel for the Applicants, and Mr. Kasar, learned counsel for the Appellant-Insurance Company.
2. This is an application filed by the Original Claimants, seeking withdrawal of the entire amount of compensation deposited by the Appellant-Insurance Company in the Tribunal.
3. It is submitted that, the Applicants are the old parents of the 'Deceased', who was their only son.
4. Learned counsel for the Appellant-Insurance Company opposes this application on the count that, the 'Award' is challenged on the point of breach of the terms and conditions of the policy.

5. However, considering the requirements of the Applicants and their age, at this stage, the Applicants are permitted to withdraw 50% of the amount of compensation deposited by the Appellant-Insurance Company in the Tribunal, subject to furnishing of usual undertaking.
6. Civil Application is disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]