

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

**943 CIVIL APPLICATION NO.2895 OF 2019
IN FA/2743/2018**

WATCHALABAI HAUSAJI GADAMBE
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS DIV. MANAGER, NANDED
AND ANR

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Mr. Quadri Taher Ali, Advocate for the applicant
Mr. S.G. Chapalgaonkar, Advocate for the respondent No.1

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CORAM : SMT. VIBHA KANKANWADI, J.
DATE : 07th JUNE, 2019

PER COURT :

1 Present application has been filed for the withdrawal of the amount deposited by respondent No.1. Learned Advocate for the respondent No.1 has taken objection for the withdrawal of the amount on two grounds :

1) It is stated that the deceased was travelling on the tractor whose insurance was not covered and 2) later on the respondent No.1 has discovered fraud on the part of his employee/s, for which the CBI inquiry is going on, which is in respect of issue of fraudulent/anti debted policies.

2 The claim was death claim. The learned Tribunal has awarded compensation of Rs.2,44,000/- including NFL. A statement has been made

by the learned Advocate for the applicant that the applicant has received an amount of Rs.50,000/-. Even if that fact is considered, case is made out at least for the withdrawal of amount of Rs.50,000/- for the survival of the applicant. Hence, the applicant is allowed to withdraw the amount of Rs.50,000/- by filing undertaking within 15 days that he would make good the amount, in case the appeal is allowed against him.

3 Application stands disposed of.

(Smt. Vibha Kankanwadi, J.)

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