

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

**CIVIL APPLICATION NO.2149 OF 2019
IN
FIRST APPEAL (ST.) NO. 36348 OF 2018**

Farjana Usman Shaikh and other.

Applicants.

Versus

United India Insurance Co. & others.

Respondents.

Mr. F.K. Patel, Advocate for the applicants.

Mr. S.R. Bodade, Advocate for respondent No.1.

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

CORAM : SUNIL K. KOTWAL, J.

Dated : 16 April 2019.

ORDER.

. This is an application for withdrawal of deposited compensation amount. Heard learned Counsel for the applicants, learned Counsel for the insurer and learned Counsel for the driver of the offending vehicle.

2. Learned Counsel for the insurer submits that the policy of insurance does not cover the occupant of the car and as

the deceased was occupant of the car involved in the accident, his liability cannot be fastened against the insurer.

3. However, after going through the judgment passed by the Tribunal, prima facie it appears that the insurance policy of the offending vehicle covers even the occupant. In the circumstances, permission is granted to the applicants to withdraw 50 % amount out of the deposited compensation amount together with proportionate accrued interest thereon, subject to filing a written undertaking before this Court to re-deposit the withdrawn amount as and when directed by this Court. The undertaking is to be filed within 12 weeks from today.

4. The balance compensation amount shall be invested in fixed deposit till final hearing of the appeal.

5. Civil Application is disposed of.

(SUNIL K. KOTWAL)
JUDGE

vdd/