

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3307 OF 2019 IN
FIRST APPEAL NO. 3650 OF 2018

Shaila w/o Santosh Avhad
& others

Applicants

Versus

M/s Shriram General Insurance
Company Ltd. & another

Respondents

Mr. Majit Shaikh, advocate for applicants.
Mr. S.G. Chapalgaonkar, advocate for respondent no. 1.

CORAM : P.R. BORA, J.
DATE : 4th MARCH, 2019

PER COURT:

1. Heard Mr. Majit Shaikh, learned counsel for the applicants and Mr. S.G. Chapalgaonkar, learned counsel for respondent-insurance company. Perused the impugned judgment and award and the grounds of objection raised in exception to the said judgment.

2. The insurance company has disputed the very involvement of the insured vehicle in occurrence of the alleged accident. However, it reveals that the First Information Report was lodged within three days of the occurrence of the alleged accident and two eye witnesses are also examined by the claimants. Though there appears some inconsistency in the facts as are stated by the eye witnesses, at this stage, it may not be proper to make any more discussion about the same. Quantum has also been disputed by the insurance company. In the impugned order, some amount is

directed to be invested in Fixed Deposit in the name of three minors. Insofar as the amounts which are directed to be invested in the names of minors, I am not inclined to permit any withdrawal. Claimant no. 1 - widow of the deceased is allotted sum of Rs.10,00,000/- out of which 50% amount is directed to be deposited. An amount of Rs. 5,00,000/- is awarded in favour of parents i.e. claimants no. 5 and 6. It appears that from the aforesaid amount, withdrawal can be permitted. In view of above, following order is passed :

ORDER

1. Amount of Rs. 5,00,000/- be remitted in favour of claimant no. 1 i.e. widow of deceased on submitting undertaking to the satisfaction of the Registrar (Judl.) of this Court.
2. Amount of Rs. 4,00,000/- be jointly paid to original claimants no. 5 and 6 i.e. parents of the deceased on submitting undertaking to the satisfaction of the Registrar (Judl.) of this Court.
3. Balance amount be invested in Fixed Deposit.
4. Civil applications stand disposed of.

(P. R. BORA, J)