

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3763 OF 2019
IN
FIRST APPEAL (ST.) NO.15534 OF 2016
(Savitribai Narayan Mali (died) through L.Rs. Dilip
and another Vs. Bajaj Allianz General Insurance Co.
Ltd. and another)

Mr. D.Y. Nandedkar, Advocate for the applicants
Mr. Swapnil Dargad, Advocate holding for Mr. S.G.
Chapalgaonkar, Advocate for respondent Nos.1 and 2

CORAM : SUNIL K. KOTWAL, J.

DATE : 15th MARCH, 2019

ORDER :

Heard learned counsel for the applicants,
learned counsel for the respondents Insurance Company
of the offending vehicle.

2. I have gone through the award passed by the
Motor Accident Claims Tribunal, Nanded. After going
through the award, it is my view that only an amount
of Rs.3,84,000/- towards compensation is awarded in a
death claim, where the deceased was only 22 years
young person. Liability was fastened against the then
respondent Nos.1 to 3, including the appellant/

Insurance Company.

3. Though learned counsel for the Insurance Company has taken various technical defences, at this stage, no opinion can be expressed.

4. However, considering the nature of litigation and the age of the claimants, permission is granted to the applicant No.2, as applicant No.1 has died during pendency of this application, to withdraw 50% compensation amount on furnishing written undertaking in this Court to deposit the withdrawn amount as and when directed by this Court.

5. Permission is also granted to applicant No.2 to withdraw 50% compensation amount subject to furnishing of solvent security to the satisfaction of the Registrar (Judicial) of this Court. The Registrar (Judicial) to act accordingly. The Civil Application is accordingly allowed and disposed of.

[SUNIL K. KOTWAL]
JUDGE