

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**1012 CIVIL APPLICATION NO.4584 OF 2019
IN FA/235/2019**

SARASWATI SHESHERAO KAGADE AND ORS
VERSUS
M/S. SHRIRAM GENERAL INSURANCE CO. LTD., THRU ITS BRANCH
MANAGER AND ANR

...
Advocate for Applicants : Mr. Mayure Pramod C
Advocate for Respondent No.1 : Mr. S.S. Dargad h/f
Mr. S. G. Chapalgoankar
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd AUGUST, 2019

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.5,75,811/- has been deposited by respondent No.1. The appeal has been filed on the ground that the risk of the deceased was not covered as he was a gratuitous passenger in goods vehicle. It is to be noted that the said defence was taken before the appropriate tribunal and then it has come to the conclusion that the original respondent Nos.1 and 2 are liable to pay the compensation. Under such circumstance, case is made out for partial withdrawal of the amount.

2. Only applicant No.1 is allowed to withdraw amount at this stage i.e. Rs.2,75,000/-. Since the applicant Nos.2, 3 and 4 are major and their occupation is agriculturist, at this stage, they are not allowed to withdraw any amount.
3. Applicant No.1 to file an undertaking within a period of eight weeks that she would make the said amount good, if directed at the time of final disposal of the appeal.
4. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/