

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

**959 CIVIL APPLICATION NO.4588 OF 2019
IN FA/233/2019**

**SHANTABAI BHIMRAO CHAVAN AND ORS
VERSUS
M/S. SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER AND ANR**

...
Advocate for Applicants : Mr. Mayure Pramod C
Advocate for Respondent No.1 : Mr. S.S. Dayal h/f Mr. S.G.
Chapalgaonkar
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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 28th JUNE 2019

ORDER :

1. Present application has been filed for withdrawal of the amount. Amount of Rs.4,51,946/- 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. Applicant Nos.1 to 5 are allowed to withdraw amount of Rs.4,00,000/- and applicant Nos.2 and 3 are allowed to withdraw amount of Rs.75,000/- each.

3. They should file an undertaking within a period of eight weeks that they would make the said amount good, if they are directed at the time of final disposal of the first appeal.

4. Civil application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/