

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

947 CIVIL APPLICATION NO.4789 OF 2019

IN FA/487/2019

JYOTI SUNIL SHINDE AND ORS

VERSUS

**BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR
MANAGER, AND ORS**

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Advocate for Applicants : Mr. Gore Ravindra Vitthal

Advocate for Respondent No.1 : Mr. S.G.

Chapalgaonkar

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 21st JUNE 2019

ORDER :

1. Present application has been filed for withdrawal of the amount by the original claimants. The Insurance Company has deposited amount of Rs.8,02,551/-. Respondent No.1-Insurance Company has filed the appeal stating that there was breach of terms of policy by the owner of the offending vehicle. It is to be noted that as per the facts of the case, the deceased was not travelling from the offending vehicle but the offending vehicle had given dash to the vehicle from which the deceased

was travelling. Under such circumstance, there is no hurdle for withdrawal of amount by applicant Nos.1, 4 and 5.

2. Applicant No.1 is allowed to withdraw amount of Rs.2,00,000/- and applicant Nos.4 and 5 are allowed to withdraw Rs.75,000/- each. They should furnish an undertaking within a period of one month from the date of this order that they would make good the said amount, if directed at the time of final disposal of the appeal.

3. In view of the above, Civil Application stands disposed of.

(Smt. Vibha Kankanwadi, J.)

Shubham/