

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

949 CIVIL APPLICATION NO.4814 OF 2019

IN FA/781/2019

SHRIKISAN BHAURAO RATHOD AND ANR

VERSUS

**TATA AIG GENERAL INSURANCE CO. LTD., THR ITS
MANAGER,PUNE AND ANR**

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Advocate for Applicants : Jadhav P.B and P.M. Shinde

Advocate for Respondent No.1 : R.H. Patil and S.S.

Patil

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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. Present Respondent No.1 has deposited amount of Rs.8,48,947/- as per the order of this Court. The appeal has been filed contending that deceased was gratuitous passenger in a goods vehicle and therefore the risk was not covered.

2. Taking into consideration the situation right now, the Insurance Company is made liable to pay the said amount and taking into consideration the fact that sole earning member of the family of the applicant is expired, some amount needs to be

allowed to be withdrawn for their survival.

3. Under such circumstance, applicant Nos. 1 and 2 are allowed to withdraw amount of Rs.2,00,000/- each by furnishing an undertaking that they would make good the said amount, if directed at the time of final disposal of the appeal.

(Smt. Vibha Kankanwadi, J.)

Shubham/