

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

936 CIVIL APPLICATION NO.5014 OF 2019
IN
FA/3144/2009

KAUSHABAI BALAJI JADHAV AND ORS.
VERSUS
UNITED INDIA INSURANCE CO. LTD. THR ITS
DIVISIONAL OFFICE, DIVISION MANAGER,
AURANGABAD & ANR.

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Mr. M.V.Ghatge, Advocate for Applicants.

Mr. S.V.Kulkarni, Advocate for R – 1.

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CORAM : V.L.ACHLIYA, J.

DATE : 12/04/2019

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ORAL ORDER :

1. This is third application filed seeking withdrawal of amount.
2. Heard learned counsel for applicants and respondent.
3. Perusal of the order dated 26/04/2010 [CORAM : P.R.BORA, J.] reveals that after due consideration of the submissions advanced and the challenge raised in the appeal, that the risk of the deceased was not covered under the policy who was travelling in goods vehicle along with 17-18 other passengers, the amount was directed to be kept in

fixed deposit and interest accrued is directed to be paid periodically to the applicant Nos. 1 and 2, the parents of the deceased on furnishing undertaking.

4. The subsequent application filed on 20/09/2011 was rejected by taking note of the earlier order dated 26/04/2010.

5. Learned counsel for the applicants submits that for the marriage of applicant No. 4 the applicants be permitted to withdraw the amount invested in fixed deposit.

6. Considering the fact that the deceased was found to be travelling in goods vehicle as passenger and the challenge raised in the appeal that the insurance company is not liable for payment of compensation, I am of the view that the request seeking withdrawal of amount in fixed deposit deserves no consideration. The appeal is filed in the year 2009, the same can be listed for final hearing. Accordingly, the application is rejected. List the appeal for final hearing on 17/06/2019.

7. S.O. 17/06/2019.

[V.L.ACHLIYA]
JUDGE

KNP.