

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

**9 CIVIL APPLICATION NO.6734 OF 2019
IN FA/1433/2019**

**PANDURANG HIRAMAN PATIL
VERSUS
HDFC ERGO GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, AURANGABAD**

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Advocate for Appellant : Mr. Pawar A.D.
Advocate for Respondent : Mr. Chapalgaonkar S.G

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CORAM : MANGESH S. PATIL, J.

DATE : 14.11.2019

PER COURT :

Heard both the sides. The applicants who are the original claimants seeking withdrawal of the amount of compensation deposited in the office of the Commissioner by the respondent insurance company which has preferred the First Appeal.

2. The learned advocate for the applicants submits that the deceased was the son of these applicants and a bread winner. It would take some time for the First Appeal to be decided finally and to avoid vagrancy they may be allowed to withdraw some compensation amount.

3. The learned advocate for the respondent insurance company strongly opposes the request. He submits that there is a

serious dispute as to the liability of the insurance company in as much as it is a case of murder of the deceased and therefore the applicants may not be allowed to withdraw anything.

4. Needless to state that the appeal has been filed only in the current year and going by the pendency it is not likely to reach for final hearing in the foreseeable future. Considering the entire conspectus of the matter, in my considered view the applicant deserves to be paid at least 50% of the amount of compensation so as to avoid any further vagrancy when the appeal may take some time to dispose of finally.

5. The application is allowed. The applicants are allowed to withdraw an amount of Rs.2,50,000/- subject to furnishing an undertaking that in case this Court directs in future they would deposit the money back. The hearing of the First Appeal is expedited. The matter to be decided finally at the stage of admission.

(MANGESH S. PATIL, J.)

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