

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

**18 CIVIL APPLICATION NO.10610 OF 2019
IN FA/3072/2019**

**CHANDRAKANT SHRIHARI JARHAD AND ANR
VERSUS
HDFC ERGO GENERAL INSURANCE CO. LTD., THR ITS BRANCH MANAGER,
AURANGABAD AND ANR**

...
Advocate for Applicants : Garud N.c.
Adv.S. G. Chapalgaonkar For R/1
Adv.Kalyani Kale h/f Arvind Kale For R/2
...

**CORAM : MANGESH S. PATIL, J.
DATE : 10.12.2019**

PC. :-

Heard both the sides.

2] This is an application by the original claimants who are legal representatives of the deceased under the Employee's Compensation Act.

3] The learned advocate for the appellant insurance company opposes the application. He submits that the deceased was travelling on the mud guard of a tractor head. Going by the terms and conditions of the policy also only driver/cleaner/employee was covered for which an additional premium of Rs.50/- was paid. There is a serious issue regarding breach of the terms and conditions as also regarding absence of cover.

4] Even according to the insurance company, additional premium of Rs.50/- was paid to cover the risk of driver/cleaner/employee.

5] However, considering the dispute, only 50% of the amount can be

allowed to be withdrawn.

6] The application is allowed. The applicants claimants are allowed to withdraw 50% of the amount deposited before the office of the Commissioner together with interest by furnishing undertaking in usual terms to be furnished before the Commissioner.

[MANGESH S. PATIL, J.]

umg/