

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

21 CIVIL APPLICATION NO.1547 OF 2020
IN
FA/2889/2019

SYED ALI SYED USMAN AND ORS
VERSUS
HDFC ERGO GENERAL INSURANCE CO.
LTD., THR ITS AUTHORIZED SIGNATORY,
AURANGABAD

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Ms. M.B.Jain, Advocate for applicants.
Mr. M.R.Deshmukh, Advocate for R-1.
Dr. S.D.Taushikar, Advocate for R-2 & 3.

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CORAM: V.L. ACHLIYA,J.
DATE : 10/02/2020

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ORAL ORDER:

1. The applicants have moved this application seeking withdrawal of amount deposited by appellant.

2. Heard learned counsel for applicants/claimants, Insurance company and owner of vehicle.

3. Learned counsel for appellant opposed the application with contention that appellant has good case to succeed in appeal. It is submitted that risk of deceased was not

covered under the policy. It is submitted that owner has insured only tractor and no insurance of trolley was obtained.

4. On due consideration of submissions advanced and the challenge raised in appeal, the following order would meet the ends of justice.

ORDER

- [i] Applicant Nos. 1 and 2 are permitted to withdraw amount to the extent of Rs. 1 Lakh on furnishing written undertaking to the effect that in case the Award is set aside, they shall deposit the amount within four weeks from the date of order.
- [ii] The amount of Rs. 1 Lakh to be paid to applicant Nos. 1 and 2 in equal proportion. The payment of amount shall be out-come of disposal of appeal.
- [iii] After making the payment of Rs. 1 Lakh, remaining amount be invested in fixed deposit with any nationalized bank initially for the period of two years with standing instructions to renew the same till further orders from this Court.
- [iv] The interest accrued on the amount be paid to applicant No. 2 i.e. mother of deceased after every 3 months by

transferring the amount in her savings bank account. The order of withdrawal of amount and the payment of amount shall be subject to out-come of appeal.

5. Civil Application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP