

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7734 OF 2020  
WITH CA/4560/2020 IN FAST/11266/2020  
SURYABEE SHAIKH JAHUR AND ORS  
VERSUS  
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS BRANCH  
MANAGER, PUNE AND ORS

Mr.Sanket N. Suryawanshi, Advocate for the applicants.  
Mr.S.G. Chapalgaonkar, Advocate for respondent No.1.

CORAM : V.L.ACHLIYA,J.  
DATED : 08.12.2020

P.C. :-

01. The applicants-claimants have moved this application seeking withdrawal of amount.

02. Mr. Chapalgaonkar, learned Counsel for the appellant-insurance company opposed the application with contention that the appellants have good case to succeed in appeal. He submits that first information report showing involvement of vehicle was lodged after ten days of the accident, which raises serious doubt as to involvement of the vehicle insured with the appellant about the accident. It is further submitted that there was breach of policy condition and so also the Tribunal has not considered the aspect of contributory negligence on the part of the deceased while assessing the compensation.

03. On due consideration and submissions advanced in the light of overall facts of the case, following order is passed :-

i. Applicant Nos.1 is permitted to withdraw an amount to the extent of Rs.6,00,000/- (Rupees Six Lakhs).

ii. Out of the amount of Rs.6,00,000/-, an amount of Rs.3,00,000/- (Rupees Three Lakhs) be paid to applicant No.1 and Rs.1,00,000/- (Rupees One Lakh) be paid to applicant Nos.2,5 and 6 each.

iv. Balance amount be invested in the fixed deposit in any nationalized bank and quarterly interest over the same be paid to applicant No.1 for maintenance of herself and minor children on furnishing an undertaking that the applicants shall re-deposit the amount in the event the award is set aside or modified, within eight weeks from the date of passing of such order.

04. The civil application is disposed of in above terms.

[V.L.ACHLIYA,J.]