

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

909 CIVIL APPLICATION NO.14806 OF 2019
IN FA/3855/2016

SULUBAI VAIJANATH UBLE AND ANOTHER
VERSUS
THE ORIENTAL INSURANCE CO. LTD. THROUGH BRANCH MANAGER AND
OTHERS

...

Advocate for Applicants : Shri Gadegaonkar Bharat N.
Advocate for Respondent no.1 : Shri Dhananjay P. Deshpande

CORAM: V.L. ACHLIYA, J.

DATE: 12.02.2020

PER COURT :

- 1] Heard learned counsel for the applicants and appellant – insurance company.
- 2] This is second application filed seeking withdrawal of amount for the reasons set out in detail in paragraph no.4 of the application.
- 3] Vide order dated 18.1.2013 passed in the matter, the applicants were permitted to withdraw amount to the extent of Rs.2,50,000/- and the balance amount was directed to be invested in fixed deposit. It is the contention of learned counsel for the applicants that the deceased was the sole bread earner of the family and death of the deceased has resulted into starvation to the family of the deceased. The applicants are old aged persons.

4] On due consideration of the submissions advanced in the light of overall facts, challenge raised in the appeal and earlier order passed in the matter, I am not inclined to entertain the request again for withdrawal of amount. The appeals were preferred in the year 2012 after condonation of delay and were registered in the year 2016. In that view, the appeals preferred in 2012 can be taken up for final hearing. I am, therefore, not inclined to entertain the application. The application is rejected.

5] Learned counsel for the appellant – insurance company submits that various appeals arising out of same accident are filed and same can be heard together.

6] Registry is directed to tag First Appeal Nos.1181/2019; 426/2013; 428/2013; 427/2013 and 1948/2011 and place the same for direction on 25.2.2020.

(V.L. ACHLIYA, J.)