

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 CIVIL APPLICATION NO.14442 OF 2019
IN FAST/14692/2019

SAKHUBAI MARGYA VALVI AND ORS
VERSUS
SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS REGIONAL
MANAGER AND ANR

...
Advocate for Applicants : Mr. Mayure Pramod C
Advocate for Respondent No.1 : Mr. S.G. Chapalgaonkar
.....

CORAM : V. K. JADHAV, J.
DATED : 4th NOVEMBER, 2020

PER COURT:-

1. Heard both sides. Though the learned counsel for the respondent-insurer has strongly resisted the application seeking withdrawal of the amount of compensation, however, it is a death claim and the bread earner of the family met with an accidental death. Learned counsel for the respondent-insurer has vehemently submitted that there is inordinate delay in lodging the F.I.R. and further so called eye witness has deposed before the court on hearsay information.

2. I have perused the judgment and award passed by the Tribunal, particularly para 11 of the same. It appears that eye witness has not followed only the driver of the tempo involved in the accident but also noted down the registration number of the said tempo and since the driver of the tempo driven the tempo in fast

speed after the accident, the said injured witness returned to the spot and took the injured in the hospital. Thus, considering the same, without prejudice to the contentions raised by the respondent-insurer, I am inclined to permit the applicants to withdraw the amount with certain conditions. Hence, the following order:-

O R D E R

- I. Civil application is allowed.
- II. The applicants-original claimants are permitted to withdraw the amount of Rs.5,00,000/- (Rupee five lacs only) on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court.
- III. The applicant No.1 Sakhubai Margya Walvi to furnish the undertaking for herself and on behalf of other applicants to the satisfaction of Registrar (Judicial) of this Court.
- IV. The civil application is accordingly disposed of.

(V. K. JADHAV, J.)

rlj/