

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4097 OF 2021 IN
FIRST APPEAL NO.2255 OF 2020

Smt. Surekha Dileep Gaikwad & ors. ... **APPLICANTS**

VERSUS

Royal Sundaram Alliance Insurance
Co. Ltd. & ors. ... **RESPONDENTS**

.....
Mr. D.R. Jaybhar, Advocate for applicants
Mr. M.R. Deshmukh, Advocate for respondent No.1
.....

CORAM : R. G. AVACHAT, J.

DATE : 12th JULY, 2021

PER COURT :

Heard. Perused the impugned award. Learned counsel for the Insurance Company submits that, the vehicle was not involved in the accident. It was a claim preferred in collusion with the vehicle owner.

2. I have perused the evidence of the witness Surekha Gaikwad to find that, on the very next day of the incident, she lodged a report of the accident, wherein the number of the vehicle involved has been given. It is a death

claim. In the facts and circumstances, I am inclined to permit the applicants to withdraw 50% of the amount deposited in this Court.

3. The application is allowed. The applicants are permitted to withdraw 50% of the amount deposited in this Court. The amount payable to the applicants be transmitted to the Tribunal, which, in turn, shall pay the same to the applicants herein on furnishing usual undertaking.

(R. G. AVACHAT)
JUDGE

fmp/-