

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

**CIVIL APPLICATION NO. 5967 OF 2021
IN
FIRST APPEAL NO. 2098 OF 2019**

Bhamabai Babasaheb Bhongal
and Others

..APPLICANTS

VERSUS

United India Insurance Co. Ltd. and Others

..RESPONDENTS

....

Mr. M.R. Sonawane, Advocate for applicants
Mr. A.B. Gatne, Advocate for respondent no.1
Mrs. S.A. Kathane, Advocate for respondent no.2

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**CORAM : R.G. AVACHAT, J.
DATE : 06th AUGUST, 2021**

PER COURT :

1. Heard.

2. Since it was a case of no driving license, the tribunal has passed order of 'Pay and Recover'. The deceased was third party. In the given circumstances, the interest of the claimants needs to be protected. The applicants are, therefore, permitted to withdraw 60% of the amount deposited in this Court, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

3. The application for withdrawal of amount has been moved by the parents of the deceased. Claim petition was filed by widow of the deceased. Interest of the widow, therefore, needs to be protected. Hence the amount is permitted to be paid to the applicants and widow of the deceased equally.

4. Pending the application, father of the deceased passed away. His legal representatives have already brought on record. The amount payable to the father of deceased be paid to his legal representatives.

5. For the reasons given in the application same is allowed and disposed of accordingly.

(R.G. AVACHAT, J.)

SSD