

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

**CIVIL APPLICATION NO.6136 OF 2021
IN
FA/2137/2020 WITH CA/7070/2020 IN FA/2137/2020**

**SHOBHABAI MOTIRAM BISKULE AND ORS
VERSUS
THE NATIONAL INSURANCE CO. LTD., THROUGH
ITS AUTHORIZED SIGNATORY AND ORS**

Mr.A.S.Sawant, Advocate for applicants
Mr.A.B.Kadethankar, Advocate for respondent no.1

**CORAM : R.G. AVACHAT, J.
DATE : JULY 14, 2021**

ORDER :-

Heard.

2. Learned counsel for respondent no.1 – insurance company states that there was no post mortem. There is no nexus between the cause of death and the injuries suffered by the deceased in the accident.

3. Learned counsel for the applicants submits that the deceased was from a shepherd community. After the accident, he was admitted to the hospital. He had suffered head injury. On the very day, he was discharged from the hospital and was again hospitalised

on the next day. He remained inpatient for 3-4 days and within 8-10 of his discharge from the hospital, succumbed to the head injury. The Doctor who had attended the deceased was examined and he did not rule out the cause of death to be the head injury.

4. In the factual backdrop, I am inclined to permit the applicants to withdraw 60% of the amount deposited in this court, on furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court.

5. The application stands disposed of accordingly.

[R.G. AVACHAT, J.]

KBP