

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

**CIVIL APPLICATION NO. 6482 OF 2021  
IN  
FIRST APPEAL STAMP NO. 27421 OF 2018**

Maroti Ganpati Panchal and others ... Applicants

Versus

The Oriental Insurance Co. Ltd. and another ... Respondents

....

Mr. Shrimant Mundhe, Advocate for the applicants

Mr. U. S. Malte, Advocate for respondent No.1

....

**CORAM : R. G. AVACHAT, J.**

**DATED : 23<sup>rd</sup> JULY, 2021**

**PER COURT :-**

. Heard.

2. Perused the impugned award.

3. Learned Advocate for the appellant – insurance company submits to have a very good case in appeal. According to him, it was a private auto-rickshaw carrying passengers on fare. It is a breach of conditions of the terms of the policy of the insurance. According to him, First Information Report (FIR) was lodged very late. That indicates the involvement of the vehicle in the accident is suspicious.

4. Considered the rival submissions. The accident took place way back in 2011. The application for condonation of delay in filing appeal has not yet been decided. It is a death claim. In this factual backdrop, the applicants are permitted to withdraw 40% of the amount deposited in this Court on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court.

5. The civil application stands disposed of accordingly.

**[ R. G. AVACHAT, J. ]**

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