IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12123 OF 2021
IN
FIRST APPEAL NO. 38 OF 2021

Savita Vishal Lad and others … Applicants
Versus
United India Insurance Company Limited … Respondent

....

Ms Jayashree T. Ghorpade (Nawale), Advocate for applicants
Mr. R. F. Totala, Advocate for respondent

....

CORAM : R. G. AVACHAT, J.
DATED : 25th NOVEMBER, 2021

PER COURT :-

. Heard. Perused the impugned award.

2. It is the contention of the learned Advocate of the appellant – Insurance Company that the vehicle involved in the accident did not have a permit at all on the day it met with the accident. According to him it is a fundamental breach requiring exoneration of appellant - Insurance Company of its liability.

3. It appears that the Tribunal had accepted the defense of the appellant – Insurance Company and directed the owner and driver of the vehicle to deposit the amount under the impugned

award within time frame and if the condition is not adhered to by them, the appellant – Insurance Company was directed to deposit the amount. As usual, the condition has not been complied with. The appellant – Insurance Company has therefore deposited the amount since it was a death claim preferred by the widow, minor children and the parents of the deceased, this Court is inclined to permit them to withdraw 50% of the amount in deposit against undertaking.

4. Only 5% of the amount be paid to the father of the deceased and remaining 45% be given to the applicant Nos.1 to 3 and 5, equally.

5. The amount payable to the minor claimants, namely Ayush and Praniket be kept in fixed deposit until they attain the age of majority.

6. The civil application is accordingly disposed of.

[R. G. AVACHAT, J.]

SMS