

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

**CIVIL APPLICATION NO.11803 OF 2021 IN
FIRST APPEAL NO.1433 OF 2021**

Ram Chagan Fulari-Fulare & anr. ... APPLICANTS

VERSUS

**Shriram General Insurance Company Ltd.
and another ... RESPONDENTS**

.....
Mr. A.S. Gandhi, Advocate for applicants
Mr. V.N. Upadhye, Advocate for respondent No.1.
.....

CORAM : R. G. AVACHAT, J.

DATE : 27th OCTOBER, 2021

PER COURT :

Heard. Perused the impugned award. The appellant Insurance Company appears to have a good case in appeal. The claimants are the parents of the deceased, who was their only child. The defence of the appellant Insurance Company was struck down earlier. The order was challenged before the High Court. Since the appellant Insurance Company failed to comply with the directions passed in the Writ Petition, the evidence of the claimants went unchallenged. The appellant Insurance Company may

necessarily urge for remand of the matter. It will take lot of time.

2. In the fitness of things, the applicants are permitted to withdraw a sum of Rs.6,00,000/- (Rupees Six Lakhs) as against undertaking. The amount be transferred to the Tribunal for being paid to the applicants there. The amount be paid to both the applicants equally as against the undertaking to be submitted by the father alone. The Tribunal is directed to forward the undertaking to this Court after compliance.

**(R. G. AVACHAT)
JUDGE**

fmp/-