

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

**CIVIL APPLICATION NO. 13593 OF 2021
IN
FIRST APPEAL (ST) NO. 33214 OF 2017**

Sindhu Dashrath Pardeshi and Others

..APPLICANTS

VERSUS

New India Assurance Co. Ltd.
Through it's Branch Manager, Beed
and Others

..RESPONDENTS

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Mr. S.S. Dargad, Advocate for applicants
Mr. M.M. Ambhore, Advocate for respondent no.1

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**CORAM : R.G. AVACHAT, J.
DATED : 22nd DECEMBER, 2021**

PER COURT :

1. Heard. Perused the impugned award.
2. It is a death claim. The deceased was travelling in a goods carriage. It is the contention of the claimants that the deceased was transporting marriage related articles. According to him the risk was covered of three persons in addition to the driver.
3. The Tribunal has passed order of 'Pay and Recover'. Same is under challenge herein. The appeal, dates back to 2017, is not made ready for hearing. The claimants are widow, mother and children of the deceased.

4. In the fitness of things, the applicants are permitted to withdraw 50% of the amount under the impugned award alongwith interest accrued thereon, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount be invested in fixed deposit with any of the nationalised bank, pending the appeal. There shall be no further application for withdrawal of the amount, pending the appeal.

5. Civil application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD