

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10664 OF 2022
IN FIRST APPEAL NO. 2630 OF 2016

DAGADU GANGARAM LOKHANDE AND ANOTHER
VERSUS
UNITED INDIA ASSURANCE COMPANY LTD THR ITS DEPUTY
MANAGER AURANGABAD AND ANOTHER

...
Advocate for Applicants : Mr. V.B. Dhage h/f.
Mr. A.M. Gaikwad
Advocate for Respondent No.1 : Mr. S.S. Rathi
Advocate for Respondent No.2 : Mr. R.G. Hange
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CORAM : S.G. DIGE, J.
DATE : 19th August, 2022

ORDER :

. Heard learned Counsel for applicants and learned Counsel for respondent Nos.1 and 2.

2. Learned Counsel for applicants submit that, applicants are the parents of deceased Meena Dagdu Lokhande. They are old aged persons. They needs amount for their medical expenses hence, requested to allow the application.

3. Learned Counsel for respondent No.1 submits that, this Court has already permitted applicants to withdraw 50% amount. Respondent No.1 has challenged the judgment and award passed by the Tribunal on various grounds. One of the ground is that, death of the deceased was not caused due to the said accident. If applicants are permitted to withdraw the amount and respondent No.1 is succeeds in appeal then it would be difficult for respondent No.1 to recover the amount from applicants. Hence, requested to dismiss the application.

4. I have heard both the learned Counsel.

5. Applicants are parents of deceased. They are old aged persons and requires money for their medical expenses. If solvent surety or security is taken from applicants it would meet ends of justice. Hence, I pass the following order .

ORDER

(a) Application is allowed.

(b) Applicants are permitted to withdraw

50% amount out of 50% remaining amount
along-with accrued interest thereon on
furnishing solvent surety or security.

(c) The Civil Application is allowed.

[S.G. DIGE, J.]