

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Civil Application (CAF) No. 2664 of 2021
in
First Appeal No. 1866 of 2019

United India Insurance Company Ltd., Washim
Versus
Pralhad S/o Tukaram Wasapalkar and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri B.P. Bhatt, Advocate for the appellant.

Shri Ashish D. Girdekar, Advocate for the respondent nos.1
to 4.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 7th JANUARY, 2022.

By this application, the applicants have sought withdrawal of the amount deposited by the appellant. Learned counsel for the appellant has objected the withdrawal of amount on the ground that the deceased was not covered by the policy. It is seen that while considering the issue no.4, the learned Tribunal has held that the insurance policy at Exh.28 covers the risk of six plus one passenger and hence rejected the contention of the appellant that the policy was not comprehensive policy.

2. In the light of the above, the respondent nos. 1 to 4 who are the legal representatives of deceased are permitted to withdraw 50% of the compensation amount deposited by the appellant subject to filing an undertaking that the respondent nos. 1 to 4 shall refund the amount alongwith accrued interest in the event the appellant succeeds in the appeal.

3. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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