

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

910 CIVIL APPLICATION NO.7798 OF 2023  
IN FAST/33578/2022

INDU WD/O VISHWANATH KHADSE AND OTHERS  
VERSUS  
THE ORIENTAL INSURANCE CO.LTD THROUGH AUTHORIZED  
REPRESENTATIVE MR. DHAMANNAD SHESHRAO SONONE

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Advocate for Applicant : Mr. Dhage Vaibhav B.  
Advocate for Respondent 1: Mr. Swapnil Lohiya h/f Mr. R.F. Totala

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CORAM : S. G. CHAPALGAONKAR, J.  
Dated: July 18, 2023

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**PER COURT :-**

1. By this application, the applicants seeks permission to withdraw the amount in pursuance of the judgment and award dated 14.6.2022 passed by the Motor Accident Claims Tribunal, Hingoli in MACP No.106/2016.

2. The respondent no.1-Insurance company has assailed the award on the ground that deceased was a passenger in goods carriage and risk of such person was not covered under the policy.

3. On perusal of the reasoning adopted by the Tribunal, it can be seen that the deceased was considered to be the owner of the goods traveling in the cabin of the goods carriage vehicle. Grounds as raised in the appeal can be considered at the time of the final hearing. At this stage, it would be appropriate to permit the applicants to withdraw 50% of the amount deposited by the respondent no.1/appellant subject to furnishing of an undertaking to the satisfaction of the Registrar (Judicial) of this Court. Hence, the order.

aaa/-

**ORDER**

- i. The application is allowed.
- ii. The applicants are permitted to withdraw 50% of the amount deposited by the appellant/insurance company subject to furnishing of an undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- iii. Civil application stands disposed off.

( S. G. CHAPALGAONKAR, J. )

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