

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

**967 CIVIL APPLICATION NO.7245 OF 2023
IN FA/2331/2023 WITH CA/13343/2023 IN
FA/2331/2023**

**BRANCH MANAGER, THE NEW INDIA ASSURANCE CO.LTD.
THR SENIOR DIVISIONAL MANAGER, AURANGABAD
VERSUS
JANABAI RAMESH VAYKAR AND OTHERS**

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**Advocate for Applicant:
Mr. Anand Dale h/f. Mr. Rathi Swapnil S.
Advocate for Respondents No.1 to 6:
Mr. Shaikh Mazhar A. Jahagirdar**

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CORAM : ARUN R. PEDNEKER, J.

DATE : 04th NOVEMBER, 2023

PER COURT:

1. Heard.

2. The present first appeal is filed on the ground of non involvement of the vehicle and breach of conditions of the policy. The tribunal has held against the insurance company and the insurance company has filed the first appeal. The deceased was a pillion rider, who has suffered in the accident.

3. Civil Application No.13343 of 2023 is filed for withdrawal of amount by the widow, mother, 2 major daughters and 2 minor sons.

The amount granted to the minor sons shall not be disbursed and is to be kept in fixed deposit of nationalised bank on yearly renewal basis.

As regards the other applicants, who are major, 50% amount deposited in this court along with interest accrued thereon till date is permitted to be withdrawn, subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The civil application for withdrawal of amount stands disposed of.

4. The interim stay granted by this court stands confirmed. The civil application for stay stands disposed of.

5. The First Appeal is **admitted**. On admission, Mr. Shaikh Mazhar A. Jahagirdar, learned counsel waives notice for respondents

no.1 to 6. Call R & P. Office objections, if any,
to be removed within a period of four (04) weeks
from today.

[ARUN R. PEDNEKER, J.]

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