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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8672 OF 2023
IN
FIRST APPEAL NO.1972 OF 2012

Rakhabai Nanabhau Wagh and Others

APPLICANTS

VERSUS

The Oriental Insurance Co.Ltd., Through its
Divisional Manager, Aurangabad and Another

RESPONDENTS

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Mrs. Sabahat T. Kazi, Advocate for the applicants

Mr. A. G. Kanade, Advocate for respondent No.1

Mr. N. N. Desale, Advocate for respondent No.2

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st SEPTEMBER, 2023

ORDER :

1. This application is filed by the applicants – claimants for withdrawal of death claim compensation amount deposited by respondent No. 1 – Insurance Company.

2. Learned advocate for the Insurance Company has vehemently opposed the request for withdrawal of the amount, contending that Rs.2,50,000/- are already withdrawn by the applicants and there is fundamental breach of the policy and, therefore, the Insurance Company is not liable to pay the amount.

3. Considering the plight of the applicant – claimants, who have filed the death claim, the application is allowed in terms of prayer clause “B”. The applicants are permitted to withdraw the amount on furnishing undertaking.

[NITIN B. SURYAWANSHI]
JUDGE

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