

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

922 CIVIL APPLICATION NO.12222 OF 2021
IN FA/2049/2021 WITH CA/10082/2021 IN FA/2049/2021

**JYOTI ARUN RATHOD AND ORS
VERSUS
THE ORIENTAL INSURANCE CO. LTD., THRU ITS DIV. MANAGER,
AURANGABAD AND ANR**

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Advocate for Applicants : Mr. Kakade Amol N.
and Mr. Markad D.R.
Advocate for Respondent No.1 : Mr. A. G. Kanade
Advocate for Respondent No.2 : Mr. D. B. Rode
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 22.02.2023

PER COURT :

Heard rival submissions. The applicants are seeking withdrawal of entire compensation amounts along with interest which has been deposited by the appellant -Insurance Company. The learned counsel for the Insurance Company strongly opposed the application on the ground that the deceased was travelling in goods vehicle and therefore not entitled to seek compensation from Insurance Company on account of breach of policy condition. However, at this juncture, certain amount can be given to some of the claimants who are major. As such, the applicant Nos. 1 and 2 are permitted to withdraw amount of Rs. 2,50,000/- each and applicant Nos. 5 and 6 are allowed to withdraw amount of Rs. 75,000/- each

along with the proportionate interest thereon by furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The balance amounts be kept in F.D.R. in any Nationalized bank on yearly renewal basis till disposal of this appeal.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-