

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

51 CIVIL APPLICATION NO.14347 OF 2023 IN FA/2336/2023

ASHOK SANTOSH JADHAV(KOLI)

VERSUS

**THE UNITED INDIA INSURANCE COMPANY LTD
THROUGH ITS DYMANAGER AND ORS**

...

Advocate for Applicant : Mr. Gholap Ajit Manohar

Advocate for Respondent No.1 : Mr. S.R. Borde

CORAM : ARUN R. PEDNEKER, J.

DATE : 04.12.2023

P.C. :

1] The present Civil Application is filed for withdrawal of the amount.

2] Heard.

3] The appeal is filed on the ground that the claimant was gratuitous passenger and not a third party, hence deceased person was not covered under the insurance policy. The Tribunal held that the deceased died after falling down from the offending vehicle and she got stuck under the said vehicle and her position was that of a third party. The Tribunal granted the benefit of third party insurance.

4] In view of the same, the applicant is permitted to withdraw 50% of the amount of compensation deposited in this Court along with accrued interest thereon till date subject to furnishing usual undertaking to the satisfaction of the Registrar [J.] of this Court.

5] Civil Application is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

S.P.Rane