



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

**CIVIL APPLICATION NO. 1781 OF 2024
IN FAST/22604/2023 WITH CIVIL APPLICATION NO.
9245 OF 2023 IN FAST/22604/2023 WITH
CIVIL APPLICATION NO. 9246 OF 2023 IN
FAST/22604/2023**

Sanjivani Vinayak Chikate And Ors

VERSUS

The Branch Manager National Insurance Co Ltd Latur And Ors

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Advocate for Applicant : Mr. Munde Sachin B.

Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar

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CORAM : S. G. MEHARE, J.

DATE : 16.02.2024

PER COURT :

1. Heard the learned counsel for the applicants and the learned counsel for the respondents/ appellants.
2. It is submitted that the offending vehicle was carrying the passenger on charging the fare. The passengers were not covered under the policy. However, the Tribunal has erroneously held the appellant is liable to pay the compensation and the impugned order and award has been passed. In the facts and circumstances of the case the following order is passed :-

ORDER

- (i) The application is partly allowed.
- (ii) The applicants are allowed to withdraw 50% of the amount deposited with accrued interest thereon on the undertaking for herself and on behalf of the minor, by a mother that they will deposit the money if the judgment and award is reversed.
- (iii) The applicant Nos. 2 and 3 have attained the majority. However, to protect their interest, their share should be deposited in a fixed deposit in any of Nationalized Bank as per their choice for a period of five years with right to receive the interest at quarterly rests.

CIVIL APPLICATION NO. 9245 OF 2023 DELAY**THE BRANCH MANAGER NATIONAL INSURANCE CO. LTD****VERSUS SANJIVANI VINAYAK CHIKATE AND OTHERS**

- 3. Heard the learned counsel for the applicant/appellant and the learned counsel for the respondents/claimants.
- 4. For the reasons mentioned in the application, the application is allowed and delay is condoned.
- 5. Office to register the appeal.
- 6. Issue notice to the respondents.

7. The learned counsel Mr. A. S. Usmanpurkar waives service of notice for respondent Nos. 1 to 4. Stand over to 6th May 2024.
8. Call record and proceeding.

CIVIL APPLICATION NO. 9246 OF 2023

IN

FIRSTAPPEAL (ST) No. 22604 OF 2023 (**STAY**)

THE BRANCH MANAGER NATIONAL INSURANCE CO. LTD
VERSUS
SANJIVANI VINAYAK CHIKATE AND OTHERS

9. Heard the learned respective counsels.
10. The substantial interest of the claimants have been protected by allowing them to withdraw the amount on undertaking. The entire amount of the compensation has been deposited with the Court. Hence, the application is allowed.
11. The execution and implementation of the impugned judgment and award is stayed till the conclusion of appeal.

(**S. G. MEHARE**)
JUDGE

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