

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO. 4471 OF 2024
IN FA/4465/2023

AAYESHA KHATUN ISLAMUDDIN AND ORS
VERSUS
CHOLAMANDALAM MS GENERAL INSURNACE COMPANY
LIMITED AND ORS

...
Advocate for Applicant : Mr. Mayure Pramod C.
Advocate for Respondents : Mr. A.S. Usmanpurkar
...

CORAM : S. G. MEHARE, J.

DATE : 07th MAY, 2024.

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. This application has been opposed on the ground that the risk of traveler in the goods vehicle was not covered in the insurance contract.
3. Learned Counsel for the applicants submits that the officer of the insurer admitted that two licensed passengers were covered under the insurance policy.

4. Considering the issue involved in the case, the application deserves to be partly allowed. Hence the following order :

ORDER

- a) The application is partly allowed.
- b) The applicants are allowed to withdraw 75% of the amount deposited with this Court, with proportionate interest accrued on it, on undertaking that they would re-deposit money in this Court, within one month, if the impugned judgment and order is reversed.
- c) Applicant No. 1, mother shall furnish undertaking for and on behalf of the minor children.
- d) The amount be apportioned equally.
- e) The share of the minor be invested in Fixed Deposits, in any nationalized bank of the choice of the applicant-mother under her guardianship, till the minor applicants attains the majority with a right to receive the interest on it with quarterly rests.

(S. G. MEHARE)
JUDGE