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54ca5720.24

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

**54 CIVIL APPLICATION NO. 5720 OF 2024
IN FAST/3603/2024**

**NARAYAN S/O BHAGWAN WADNE AND ORS
.....Applicants**

VERSUS

**THE NATIONAL INSURANCE CO.LTD. THROUGH ITS
DIVISIONAL OFFICE, AND ORS
.....Respondents**

Mr. A. T. Gaikwad, Advocate for the applicants
Mr. A. B. Kadethankar, Advocate for the respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 26th JUNE, 2024

P. C.

1. Heard the learned advocate for the parties.
2. This application is for withdrawal of the amount deposited in this court by the appellant Insurance company as per the award dated 04-07-2023 passed by the learned MACT, Beed in MACP NO. 34/2017 alongwith interest.
3. Learned advocate for the Insurance Company

opposed the application stating that in the present case it is the stand of the Insurance Company that there is breach of fundamental policy and respondent No.1 himself had lodged the FIR in which it is stated that the deceased alongwith others was traveling in jeep taken on hire basis even rate of jeep was given in the FIR. Learned court below still allowed the claim even against the Insurance Company. The Insurance Company thus has every hope of success in the appeal.

4. Considering the above, this court is inclined to partly allow application. Hence the following order:-

ORDER

A] The claimants /applicants are permitted to withdraw 50% of the amount deposited in this court with accrued interest subject to filing an undertaking that in case, the appeal is allowed, they shall re-deposit the amount with interest within twelve weeks from the date of such judgment.

B] The application stands disposed off.

[KISHORE C. SANT, J.]