



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

51 CIVIL APPLICATION NO. 10809 OF 2024
IN FA/2419/2024

SMT VAISHALI VINOD PATIL AND OTHERS
VERSUS
THE UNITED INDIA INSURANCE AND ORS

...
Advocate for Applicant : Mr. Ajay Dongar Pawar
Advocate for Respondent No.1 : Mr. Swapnil S. Rath
...

CORAM : KISHORE C. SANT, J.

DATE : 10.10.2024.

PER COURT :

1. Heard the parties.
2. This application is filed for withdrawal of the amount deposited in this Court.
3. The application is opposed by the appellant/Insurance Company on the ground of fundamental breach of the policy as the vehicle was carrying diesel which is

against the conditions of the policy.

4. The applicants further submits that the amount awarded is only towards the medical expenses and not compensation. Considering that the amount is awarded is only towards medical expenses, this Court is inclined to allow the application, hence following order :

ORDER

(i) The Civil Application stands allowed and disposed off.

(ii) The applicant is permitted to withdraw 75% of the amount deposited along with accrued interest on it on furnishing usual undertaking.

(iii) Remaining 25% amount deposited alongwith accrued interest be deposited in fixed deposit in any nationalized bank, to be renewed from time to time till final disposal of the appeal.

(iv) The amount to the share of applicant No. 3 is permitted to be withdrawn by applicant No. 1 as he has given letter of

authority/General Power of Attorney in favour of applicant No.1. It is submitted that he is taking medical education at Russia (foreign Country), therefore, it would not be possible for him to come to this Court for withdrawal of the amount.

(v) The Registrar, (Judicial) of this Court to get satisfied about the letter of authority.

**(KISHORE C. SANT)
JUDGE**

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