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

**CIVIL APPLICATION NO. 204 OF 2025
IN FAST/26145/2024**

SMT KOMAL RAHUL TRIBHUVAN AND ORS

....Applicant

VERSUS

BAJAJ ALLIANZ GENERAL INSURANCE CO LTD AND ORS

.....Respondent

.....

Advocate for Applicant : Mr. Syed Moised Ali Amjedali,

Advocate for Respondents : Mr. Mohit R Deshmukh For R/1

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 9TH JANUARY, 2025.

P.C. :-

1. The applicants are claimants in M.A.C.P. No. 456 of 2023 which was filed seeking compensation under the provisions of the Motor Vehicles Act on account of accidental death of Rahul Kalyan Tribhuvan, who was husband of applicant No.1 and father of applicant No.2.

2. The Tribunal, after considering contentions of rival parties passed an award of Rs. 21,90,144/- alongwith interest @ 6% p.a. in favour of the claimant.

3. The insurer of the offending vehicle assailed the award in this first appeal mainly on the ground of breach of conditions of policy, particularly, invalid permit, so also, some ground as regards quantum of compensation are pressed into service.

4. At present, the award is in favour of the claimants. The claimants are dependents of the deceased having no other source of income. The issue, as to whether the vehicle had valid permit will have to be tested at the final hearing. However, at this stage, some solace is necessary in favour of the claimants. Some amount can be permitted to be withdrawn by putting certain conditions. In that view of the matter, the following order :-

ORDER

- (i) Claimant No.1 - Smt. Komal Rahul Tribhuwan, is permitted to withdraw the amount of Rs. 8 Lakhs from the compensation amount deposited by the insurance company;
- (ii) Applicant No.3 - Seema Tribhuwan is permitted to withdraw Rs. 2.5 Lakhs out of the amount deposited by the insurance company.
- (iii) Applicant Nos 1 and 3 shall furnish independent undertaking that in case the appeal is allowed, they shall refund the amount withdrawn under this order, within a period of six weeks, in line with the direction given at the time of final hearing of the appeal.
- (iv) Rest of the amount be kept in Fixed Deposit with any Nationalized Bank till disposal of the appeal.
- (v) The application stands disposed of accordingly.

[S.G. CHAPALGAONKAR, J]

grt/-