

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

**Civil Application No.1032 of 2016
With
Civil Application No.14345 of 2015
In
First Appeal No.2885 of 2015**

Snehal D/o. Satyanarayan Tapdiya
And Another. **.. Applicants.**

Versus

Bajaj Allianz General Insurance
Co. Ltd. Aurangabad & Another. **.. Respondents.**

Shri. S.S. Rathi, Advocate, for applicants.

Shri. S.G. Chapalgaonkar, Advocate, for respondent No.1.

CORAM: T.V. NALAWADE, J.

DATE : 29th JANUARY 2016

ORDER:

1) The application is filed for permission to withdraw the compensation amount. Notice. Learned counsel for the insurance company waives notice. Heard both sides.

2) The Insurance Company has following objection that the deceased was wife of the registered owner of the vehicle and there is material to show that the deceased

was paying the fare to the registered owner. The insurance company wants to show that the deceased was as good as owner of the vehicle. This Court is not going into the merits of the aforesaid contentions. As the deceased was the occupant of the four wheelers, in view of settled law, risk to the said occupant was required to be covered. In view of this position this Court holds that some amount can be released subject to some conditions.

3) In the result, the application is allowed. The amount of Rs.30 lakh (Rupees Thirty Lakh only) is allowed to be withdrawn subject to giving usual undertaking. The amount is to be disbursed equally between the applicants. The stay application is disposed of in above terms.

Sd/-
(T.V. NALAWADE, J.)

rsl