

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

**CIVIL APPLICATION NO. 2805 OF 2015
IN
FIRST APPEAL ST. NO. 1285 OF 2014**

Bharat Tukaram Lambud & Anr.

... Applicants

VERSUS

New India Assurance Co. Ltd., Aurangabad & Ors.

... Respondents

.....
Mr B. R. Sable, Advocate for the applicants
Mr Deshpande, Advocate for respondent No. 1
Mr Dhage, Advocate for respondents No. 2
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **28TH AUGUST, 2015.**

PER COURT:

. Heard Mr B. R. Sable, ld. Counsel for the applicant and Mr Deshpande for respondent No. 1 - Insurance Company.

2. Mr Deshpande, opposes the application on the ground that the Insurance Company is not liable. It is a case of breach of policy. The driver was not possessing the effective license.

3. Today, the award is in favour of the applicant. Considering the above, I pass the following order.

ORDER

- (i) The applicants No. 1 and 2 are allowed to withdraw Rs. 1,50,000/- i.e. Rs. 75,000/- each, on submitting an undertaking to this Court that in the event this Court directs them to deposit the amount, they shall redeposit the amount within one week from the date of such order.
- (ii) The applicants No. 1 and 2 are entitled to withdraw remaining amount of Rs. 2,00,417/- in equal proportion on furnishing solvent security / surety of the like amount.

Civil Application stands disposed of accordingly.

[S. V. GANGAPURWALA, J.]

sgp