

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

CIVIL APPLICATION NO. 3957 OF 2015
IN
FIRST APPEAL NO. 1639 OF 2014

Laxmibai Ganesh Ghule & Ors.

Applicants...

VERSUS

Naseer Pathan Bashir Pathan & Ors.

Respondents..

.....
Mr S. B. Rajebhosale, Advocate for the applicants
Mr V. N. Upadhye, Advocate for respondent No. 3
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : 23RD OCTOBER, 2015.

PER COURT:

. The order of pay and recover is passed against the Insurance Company on the ground that the driver was not possessing a valid driving license. In view of the judgment of the Hon'ble Apex Court in the case of **S. Iyyapan Vs M/s United India Insurance Company Ltd. and Anr.** reported in 2013(5) Bom.C.R. 102, the said order is justified.

2. Learned Counsel for respondents submit that, even the driver was not possessing a valid license. In either case, the claimants are entitled for compensation.

3. In light of that, the claimants are allowed to withdraw the amount in proportionate as awarded by the Tribunal on submitting an undertaking to the Court that in the event this Court directs them to deposit the amount, they will redeposit the amount within a period of one month from the date of such order.

4. Civil Application accordingly stands disposed of.

[S. V. GANGAPURWALA, J.]

sgp