

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

**CIVIL APPLICATION NO. 9848 OF 2015
IN
FIRST APPEAL NO. 145 OF 2012**

Shubhada Kishor Joshi and others .. Applicants

Versus

United India Insurance Co. Ltd.,
and others .. Respondents

Shri P. S. Pawar, Advocate for Applicants.

Shri A. B. Gatne, Advocate for the Respondent No. 1.

Shri D. R. Jaybhar, Advocate for the Respondent No. 2.

CORAM : S. V. GANGAPURWALA, J.

DATE : 09TH OCTOBER, 2015.

PER COURT :

. This is an application for withdrawal of amount. Mr. Gatne, the learned counsel opposes the application on the ground that, the deceased was a passenger in auto and the driver of the auto was not having valid driving license. So also negligence is of the truck driver which hit the auto. As such, the present insurance company would not be liable to pay the compensation amount.

2. Today the award is in favour of applicants/claimants. The

insurance company has deposited 50% of the amount.

3. Considering the above, I pass the following order. The applicants/claimants are allowed to withdraw the amount deposited in proportionate as awarded by the Tribunal on submitting solvent security/surety of the like amount. The civil application is disposed of.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15