

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

**CIVIL APPLICATION NO. 9993 OF 2015  
IN  
FIRST APPEAL NO. 2118 OF 2013**

Daud Isaq Qureshi And Anr.

...Applicants

**VERSUS**

The New India Assurance Co. Ltd.,  
through Divisional Manager, Aurangabad and Ors.

... Respondents

.....  
Mr P. C. Mayure, Advocate for the applicants  
Mr M. M. Ambhore, Advocate for respondent No. 1  
.....

CORAM : **S. V. GANGAPURWALA, J.**  
DATE : **21<sup>ST</sup> AUGUST, 2015.**

**PER COURT:**

. This is an application for withdrawal of the amount. Earlier the applicant was allowed to withdraw an amount of Rs. 42,250/- deposited by the Insurance Company. Subsequently, the Insurance Company was directed to deposit the entire amount and as such the Ins. Company has deposited the remaining amount of Rs. 99,857/-. The said amount is sought to be withdrawn now.

2. I have heard Mr Mayure, ld. counsel for the applicant and Mr Ambhore, ld. counsel for respondent.

3. Mr Ambhore, ld. Counsel for respondent opposes the

application on the ground that the Insurance Company is not at all liable as the driver did not have license at the relevant time.

4. Today, the award is in favour of the applicant. The applicant has been already allowed to withdraw an amount of Rs. 42,250/-. The interest of the Ins. Company will have to be safeguarded.

5. In light of the above, I pass the following order.

**ORDER**

The applicant is allowed to withdraw 50,000/- of the amount deposited on submitting solvent surety / surety of the like amount. Remaining amount be kept in fixed deposit (FD) in any of the nationalized Banks.

6. Civil Application accordingly disposed of.

**[ S. V. GANGAPURWALA, J. ]**

sgp