

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**1012 CIVIL APPLICATION NO. 11009 OF 2015
IN FA/561/2015**

**RAHUL NIVRUTTI GHOGARE AND OTHERS
VERSUS
NEW INDIA INSURANCE CO. LT. AND OTHERS**

...
Advocate for Applicants : Mr. Karpe Rahul R.
Advocate for Respondent No.1 : Mr. A. S. Usmankar

...
CORAM : S. V. GANGAPURWALA, J.

DATE : 4th September, 2015

PER COURT :

1. The application is for withdrawal of the amount deposited by the Insurance Company. Mr. Usmanpurkar, the learned counsel opposes the application for withdrawal on the ground that the Insurance Company is not liable to pay any amount. It is a case of breach of policy. Driver was not holding valid driving licence.

2. Considering the award passed, I pass following order:

1. The applicants are allowed to withdraw 50% of the amount deposited in this Court as per proportion as directed by the Tribunal on submitting undertaking to this court that in the event the applicants are directed to deposit the said amount, they would deposit the same within one month.

2. The applicants are further allowed to withdraw 50% of the amount on furnishing solvent surety/security of the like amount, in the proportion as directed by the tribunal.

3. Civil application disposed of.

(S. V. GANGAPURWALA, J.)

JPC