

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

**CIVIL APPLICATION NO. 13339 OF 2015
IN
FIRST APPEAL NO. 1730 OF 2014**

Sheela Yogesh Shelgaonkar and
another

.. Applicants

Versus

United India Insurance Co. Ltd.

.. Respondent

Shri Ganesh P. Shinde, Advocate for Applicants.

Shri V. R. Mundada, Advocate for the Respondent.

CORAM : S. V. GANGAPURWALA, J.

DATE : 16TH OCTOBER, 2015.

PER COURT :

. Mr. Mundada, the learned counsel for the non applicant submits that, there is a breach of policy. The driver of the vehicle was not holding valid driving license. So also aspect of negligence has not been considered. So also the Tribunal has considered the salary on higher side.

2. In case of driver not possessing valid driving license, the order of pay and recover can be passed. So also as far as quantum is concerned, there would be no impediment to allow the applicant No. 1 to withdraw 50% of the amount awarded by the Tribunal to the share of the applicant No. 1. The

applicant/claimant No. 2 is a minor.

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

4. The applicant/claimant No. 1 is allowed to withdraw 50% of the amount of her share as awarded by the Tribunal. The remaining amount be kept in fixed deposit of any nationalized bank. The aspect of withdrawal of the remaining amount would be considered at the time of hearing of the appeal either at the time of admission or otherwise. The civil application is disposed of.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15