

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

**CIVIL APPLICATION NO. 12674 OF 2015
IN
FIRST APPEAL NO. 2274 OF 2014**

Savita Sainath Karhale and others .. Applicants

Versus

Bajaj Allianz General Insurance Co.
Ltd. and others .. Respondents

Shri V. P. Sawant, Advocate for Applicants.

Shri S. G. Chapalgaonkar, Advocate for the Respondent No. 1.

CORAM : S. V. GANGAPURWALA, J.

DATE : 09TH OCTOBER, 2015.

PER COURT :

. This is an application for withdrawal of amount.

2. Heard Mr. Savant, the learned counsel for applicants. Mr. Chapalgaonkar, the learned counsel for the non applicant No. 1 opposes the application on the ground that the driver was not possessing license. The insurance company ought to have been exonerated.

3. Even if the case of insurance company is accepted, the order of pay and recover can be passed.

4. Considering the above I pass the following order.

5. The applicant No. 1/Savita is allowed to withdraw Rs. 1,25,000/- (Rs. One Lac Twenty Five thousands only) on submitting an undertaking to this Court that, in event applicant is directed to deposit the amount, the applicant would deposit the same within one month. The applicant No. 1/Savita is further allow to withdraw an amount of 1,25,000/- (Rs. One Lac Twenty Five thousands only) on furnishing solvent security/surety of the like amount. The applicant No. 4/Kishanrao is allow to withdraw an amount of Rs. 60,000/- (Rs. Sixty thousands only) on submitting an undertaking to this Court that in event the applicant is directed to deposit the amount the applicant would deposit the same within one month. The applicant No. 4/Kishanrao is further allow to withdraw an amount of Rs. 60,000/- (Rs. Sixty thousands only) on furnishing solvent security /surety of the like amount. The remaining amount be kept in fixed deposit of any Nationalized Bank. The civil application is accordingly disposed of.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15