

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

47 CIVIL APPLICATION NO. 1543 OF 2016
IN FA/2590/2015

RAMESH MANIK MARATHE
VERSUS
NATIONAL INSURANCE CO. LTD. AND ANR

...
Advocate for Applicant : Kazi Sabahat T.
Advocate for Respondent No.1 : S N Pagare

...
CORAM : T.V. NALAWADE, J.
DATED : 8th February, 2016.

PER COURT :

1. The application is filed for permission to withdraw the amount by the original claimant. The learned counsel for Insurance Company has strongly opposed the application by contending that when there was coverage to six passengers, seven persons were travelling. He also submitted that the liability in respect of passengers was limited. In view of the nature of defence, this Court holds that permission needs to be granted to the claimant to withdraw the amount subject to condition of giving of the undertaking.
2. In the result, the application is allowed and disposed of subject to giving of the undertaking by the claimant that in case, Insurance Company succeeds in the appeal, amount will be deposited with the same rate of interest by the claimant.

[T.V. NALAWADE, J.]

SSC/