

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

**Civil Application No.2458 of 2016
In
First Appeal Stamp No.18630 of 2015**

Kalabai Namdeo Mali (Mahajan)
And Others.

.. Applicants.

Versus

The Bajaj Allianz General Insurance
Co. Ltd. & Another.

.. Respondents.

Shri. M.M. Bhokarikar, Advocate, for applicants.

Shri. S.G. Chapalgaonkar, Advocate, for respondent No.1.

CORAM: T.V. NALAWADE, J.

DATE : 29th FEBRUARY 2016

ORDER:

1) This application is filed by the original claimants for permission to withdraw the amount of compensation. Learned counsel for the insurance company has strong objection. He submits that deceased, driver was not holding valid and effective driving licence on the date of the accident as the licence had expired. In view of the nature of defence and the right of the

insurance company this Court holds that the claimants can be allowed to withdraw the amount subject to giving undertaking.

2) In the result, the application is allowed. Amount is to be disbursed subject to giving undertaking by the claimants. List the main matter on 28th April 2016.

Sd/-
(T.V. NALAWADE, J.)

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