

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

**Civil Application No. 1904 of 2016  
In  
First Appeal No.2134 of 2015**

Swati w/o Bapu Pawar  
And Others.

**.. Applicants.**

**Versus**

M/s. National Insurance Co. Ltd.  
Aurangabad & Others.

**.. Respondents.**

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Shri. N.C. Garud, Advocate, for applicants.

Shri. V.N. Upadhye, Advocate for respondent No.1.

Shri. M.K. Goyanka, Advocate, for respondent No.2.

Shri. K.N. Lokhande, Advocate, for respondent No.3.

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**CORAM: T.V. NALAWADE, J.**

**DATE : 16<sup>th</sup> FEBRUARY 2016**

**ORDER:**

1) The application is filed for permission to withdraw the 60% amount of compensation deposited by the insurance company. Learned counsel for the insurance company has strong objection. He submits that there is dispute about negligence of the car driver. He submits

that there is material to show that the vehicle was given to 3<sup>rd</sup> party on hire basis and so there will be question of fastening the liability on insurance company.

2) In view of the nature of defence and as the deceased was person occupying in the private car this Court holds that permission needs to be given to the applicants to withdraw the amount.

3) So the application is allowed. Make the disbursement as per the award subject to giving undertaking.

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

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