

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

**CIVIL APPLICATION NO. 6117 OF 2015
IN
FIRST APPEAL STAMP NO. 15262 OF 2012**

Dara Sukdev Gajare & Ors. APPLICANTS

V E R S U S

**National Insurance Co. Ltd.
& Anr. RESPONDENTS**

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Mr. V.B.Patil, Advocate for Applicants.

Mr. A.B.Gatne, Advocate for R.No. 1.

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CORAM : T.V.NALAWADE, J.

DATE : 12th FEBRUARY, 2016

ORAL ORDER :-

. The application is filed by the original claimants for permission to withdraw the compensation amount deposited by the insurance company under the Motor Vehicles Act.

2. Heard learned counsel for the insurance company. He wants to challenge the decision of the Tribunal on the ground that the deceased was not an employee of insured/owner of the vehicle and there was no cover in respect of the deceased. Insurance company also wants to challenge the decision on the ground that

the driver was not holding valid driving licence.

3. The fact of insurance is not disputed and there was coverage in respect of 3 employees. Permission is to be granted subject to the undertaking given by the claimants.

4. In the result, the application is allowed. The compensation amount be disbursed as per the Award of the Tribunal subject to giving undertaking by the claimants.

5. Civil Application is disposed of.

[T.V.NALAWADE, J.]