

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

955 CIVIL APPLICATION NO. 2727 OF 2016
IN FAST/14860/2014 WITH CA/10751/2015 IN FAST/14860/2014
WITH CA/10753/2015 IN FAST/14860/2014

LAXMAN TATERAO PAWAR AND ANR
VERSUS
THE ORIENTAL INSURANCE CO. LTD. AND ANR

...
Advocate for Applicants : Kulkarni Ashutosh S.
Advocate for Respondent 1 : R F Totala
...

CORAM : T.V. NALAWADE, J.
DATED : 4th March, 2016.

ORDER :

1. The application is filed by original claimant for permission to withdraw the compensation amount. Both the sides are heard. The learned counsel for Insurance Company has strong object to allow the application on following two grounds.

- (i) Initially in the F.I.R. unknown vehicle was mentioned as offending vehicle, and
- (ii) The driver of the offending vehicle was not holding valid and effective driving licence.

2. The deceased was third party and he was present on the motorcycle. The claim is filed under section 163A of Motor Vehicle Act. In view of these circumstances and further circumstance that the Tribunal has reduced the compensation by

50%, permission needs to be given to withdraw the amount, subject to giving of undertaking.

3. So, the application is allowed. Amount is to be disbursed as per the award subject to giving of undertaking by the original claimants.

4. Stay application is disposed of as notice as against respondent No. 3 is awaited. Stand over to 14.6.2016.

[T.V. NALAWADE, J.]

ssc/