

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

CIVIL APPLICATION NO. 11744 OF 2015
IN FA/106/2015

PAIGAMBER PACHU TAMBOLI AND OTHERS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD. AND ANOTHER

Mr R.P. Adgaonkar, Advocate for applicants
Mr S.G. Chapalgaonkar, Advocate for respondents No.1 to 4

CORAM : V.K. JADHAV, J.

DATE : 15th July 2016

PER COURT

Heard both the sides.

2. The learned Counsel for respondent – insurer submits that though there is fundamental breach of the conditions of the policy, the learned Member of the Tribunal has directed the insurer to pay and recover it from the owner and in view of that the applicants herein may not be permitted to withdraw the amount. In the alternate, he submits that the applicants may be permitted to withdraw the amount on furnishing solvent security to the satisfaction of Registrar (Judicial).

3. Learned Counsel for the applicants submits that the applicants are ready to furnish the security. In view of this, the applicants are permitted to withdraw the amount deposited before this Court, on furnishing security to the satisfaction of Registrar (Judicial) of this Court.

4. Civil Application is accordingly disposed of.

5. The returnable date of paper publication is extended by four weeks.

(V.K. JADHAV, J.)

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