

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

20 CIVIL APPLICATION NO. 13079 OF 2016
IN FAST/3708/2016

RAHIBAI SHAMRAO MANE AND OTHERS
VERSUS
UNITED INDIA INSURANCE CO. LTD.

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Advocate for Applicant : Mr. Swapnil D.Tawshikar,
Mr.Bodade S.R., Adv. For Resp.No.1;
Mr. SS Chapalgaonkar, Adv. For Resp.No.3.

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CORAM : P.R. BORA, J.
Dated: October 05, 2016

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PER COURT :-

- 1) Heard learned Counsel for the applicants and learned Counsel for insurance company.
- 2) Learned Counsel appearing for the insurance company submitted that statutory defences are raised by the appellant insurance company seeking exoneration of the insurance company from the liability to pay the amount of compensation. The learned Counsel submitted that the driver of the insured vehicle was not holding any license at the time of the alleged accident.
- 3) After having considered the submissions, it

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appears to me that in any case, the Award has to be satisfied first by the insurance company. In such circumstances, I am inclined to allow the application. The applicants are permitted to withdraw the deposited amount on furnishing an undertaking that in the event any adverse order is passed against them in the appeal, they will re-deposit the amount within four months of passing such order, CA disposed of.

(P.R. BORA, J.)

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