

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

915 CIVIL APPLICATION NO. 12861 OF 2015

IN FA/1260/2015 WITH CA/321/2016 IN FA/1260/2015
WITH CA/6125/2015 IN FA/1260/2015

AYUB KHAN @ SHAKEEL IBRAHIM KHAN AND OTHERS

VERSUS

THE RELIANCE GENERAL INSURANCE COMPANY AND
ANOTHER

Shri. Pramod C. Mayure, Advocate, for the applicant.

Shri. S.G. Chapalgaonkar, Advocate, for respondent No.1.

CORAM: T.V. NALAWADE, J.

DATE : 13th JANUARY 2016

ORDER:

1) The application is filed by the original claimants for permission to withdraw the amount deposited by the Insurance Company. Both the side are heard.

2) Learned counsel for the Insurance Company strongly oppose the application by contending that the insurance company has taken defence of forgery and on

that ground the present appeal is filed. This Court has carefully gone through the pleadings in the written statement by the insurance company before the Tribunal and the reasoning given by the Tribunal. The other ground of the insurance company about breach of conditions will be considered against the owner who is not yet served.

3) In view of nature of pleadings and the reasoning given by the Tribunal this Court holds that it will not be proper to prevent the claimants from withdrawing the amount.

4) In the result, the application is allowed. Disbursement is to be made as per the award on furnishing usual undertaking by the claimants. The application is disposed of.

5) CA filed for paper publication is allowed. Notice to those respondents is made returnable on 21st March 2016.

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

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