

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

928 CIVIL APPLICATION NO. 13353 OF 2015 IN
FAST/34879/2014

JANABAI GAJANAN HAJARE
VERSUS
THE ICICI LOMBARD GENERAL INSURANCE COMPANY LTD. AND
OTHERS

...

Advocate for Applicant : Mr. Bide Dnyaneshwar A
Advocate for Respondent No.1 : Mr A G Choudhari

CORAM : V. K. JADHAV, J.

DATE : 16th March, 2016

PER COURT :

1. Heard learned counsel for the applicant /claimant and learned appearing for respondent No.1/Insurer.

2. Applicant is widow. The appellant insurer has raised defence of breach of condition of policy. However, the learned Member of the Motor Accidental Tribunal has recorded finding in the negative with the observation that the deceased was travelling in the truck, unauthorizedly. In view of this, the applicant is permitted to withdraw the amount under the award on executing undertaking. Hence following order is passed:

O R D E R

i. The applicant is permitted to withdraw an amount of Rs. 2,48,264/- deposited in this court on submitting undertaking to the satisfaction of the Registrar Judicial of this Court.

ii. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)