

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

33 CIVIL APPLICATION NO. 16628 OF 2015
IN FAST/28682/2015 WITH CA/12229/2015 IN FAST/28682/2015
WITH CA/12230/2015 IN FAST/28682/2015

BHATU SHALIK PATIL
VERSUS
THE NEW INDIA INSURANCE CO. LTD. AND OTHERS

...
Advocate for Applicant : Patil Vinod Prakash
Advocate for Respondent No. 1 : M M Ambhore
...

CORAM : T.V. NALAWADE, J.
DATED : 11th January, 2016.

ORDER :

1. The application is filed by the original claimant for permission to withdraw the amount. Both the sides are heard. The challenge of the Insurance Company is of the nature of breach of conditions of policy that the driver was not holding the valid and effective driving licence. In view of this circumstance, permission needs to be granted subject to condition like giving of undertaking.
2. So, application is allowed. Amount is to be disbursed as per the award made by the Tribunal, subject to giving of undertaking by the original claimant that if the appellant succeeds in the appeal, the original claimant will refund the amount with interest at the same rate.
3. In stay application, time is extended for service on respondent Nos. 2 and 3. Stand over to 3.2.2016. Learned counsel Shri. Patil waives service for respondent No. 1.

[T.V. NALAWADE, J.]

SSC/