

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

55 CIVIL APPLICATION NO. 1688 OF 2016 IN FAST/18408/2014

BABAN BABASAHEB NAGARE

versus

THE NEW INDIA ASSURANCE CO. LTD. AND OTHERS.

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Advocate for Applicant : Mr S L Bhapkar
Advocate for Respondent 1 : Mr. M M Ambhore

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CORAM : V.K. JADHAV, J.

Dated: March 07, 2016

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PER COURT :-

1. The learned counsel for the applicant submits that, the Tribunal has dismissed the claim against the appellant insurer and further directed the appellant Insurance Company to pay the amount under award and recover it from the respondent insured.
2. Learned counsel for respondent no.1 original appellant submits that, the applicant may be permitted to withdraw amount on furnishing solvent security. Learned counsel for respondent no.1 further submits that, 50% of the amount may be paid on undertaking and remaining amount may be paid to the applicant on furnishing solvent security.
3. The applicant is aged person and, his personal injury claim filed in the year 2005 was partly allowed by the impugned order dated 19.12.2013. Further, it appears that learned Member of Motor Accident Claims Tribunal has

accepted the defence raised by the appellant insurer and accordingly dismissed the petition with a direction to the appellant insurer to pay and recover it from the respondent insured.

4. In view of the above submissions, the applicant is permitted to withdraw the amount alongwith accrued interest, by furnishing undertaking.

5. Civil Application is accordingly disposed of.

(V.K. JADHAV, J.)

aaa/-