

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CIVIL APPLICATION (CAF) NO.3145 OF 2016

IN

FIRST APPEAL NO. 857 OF 2014

(The Divisional Manager, Oriental Insurance Co.Ltd., Nagpur ..vs.. Sindhubai wd/o Manikrao Nidhan
and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.N. Ahmed, Advocate for the appellant,
Ms. M.H. Pathade, Advocate h/f. Shri P.S. Mirache, Advocate for the
respondent No.1.

CORAM : Z.A. HAQ, J.

DATED : 07-10-2016

This is an application filed by the respondent No.1/claimant seeking permission to withdraw the amount deposited by the appellant/Insurance Company.

Shri M.N. Ahmed, Advocate for the appellant/ Insurance Company has pointed out the order passed by this Court on 04-01-2016 by which Civil Application No.777/2015 with the same prayer as made in the present application is dismissed by this Court.

Ms. M.H. Pathade, Advocate holding for Shri P.S. Mirache, Advocate for the respondent No.1 argued that the defence of the appellant/Insurance Company is that there is breach of policy as the driver of vehicle was not holding valid licence on the date of accident and the claimant need not suffer because this dispute between

the Insurance Company and the owner and the driver of vehicle.

In view of the order passed by this Court on 04-01-2016 the submissions made on behalf of the claimant on merits cannot be considered at this stage, specially

The civil application is dismissed with costs of Rs.1,000/- to be paid by the respondent No.1 to the appellant/Insurance company.

First Appeal No.857 of 2014.

The oral prayer for final disposal of the appeal made on behalf of the respondent No.1 is rejected.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 10-10-2016.

P.A. to Hon'ble Judge.