

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.488 OF 2017

**915 CIVIL APPLICATION NO. 488 OF 2017
IN FAST/33868/2016**

ASHA SUGRIV NARSINGE AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD. AND ORS

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Advocate for Applicants : Mr. A.N.Gaddime, h/f Mr.Panale Sachin S.
Mr. Mandar Deshmukh, Adv., h/f Mr.S.G. Chapalgaonkar, Adv., for
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CORAM : P.R. BORA, J.
Dated: June 23, 2017

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PER COURT :-

1. Learned Counsel for the applicant to take steps in C.A.14466/2016 for condonation of delay.

2. Civil Application No. 488 of 2017 is filed seeking withdrawal of amount of compensation deposited by the appellant Insurance Company in this Court. Learned Counsel appearing for the Insurance Company has opposed for permitting any withdrawal stating that no liability could have been fastened on the Insurance Company by the Tribunal. Learned Counsel submitted that the defenses raised by the Insurance Company have not been properly appreciated by the Tribunal. Learned Counsel submitted that the very involvement of the vehicle insured with the Insurance Company is disputed by the Insurance Company. Moreover, it has also been proved by the Insurance Company before the Tribunal that the person driving the motor cycle was neither owner

agp/-

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(2)

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of the vehicle nor authorized by the owner; but, was a stranger who was not holding driving license to drive the same. Learned Counsel, therefore, prayed for rejecting the application and listing the matter for final disposal.

2. Considering the submission so raised and more particularly taking into account the grounds of objections raised in exception to the impugned judgment as well as the averments in the application for withdrawal of amount, I deem it appropriate to pass the following order:

ORDER

1. The application (No. 488 of 2017) is partly allowed. The applicants are at present permitted to withdraw 40 per cent of the deposited amount on submitting solvent surety in the like amount to the satisfaction of the Registrar (Judicial) of this Court. Balance 60% amount be invested in Fixed Deposit Receipt of any Nationalized Bank, initially for a period of two years and if so required for further period till disposal of the appeal. Civil Application for withdrawal of amount stands disposed of in above terms.

(P.R. BORA, J.)

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