

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1026 CIVIL APPLICATION NO. 3686 OF 2017
IN FA/644/2014

NARAYAN PUNA PATIL
VERSUS
THE NEW INDIA INSURANCE CO LTD, THR ITS BRANCH MANAGER
AND ANR

...
Advocate for Applicant : Kazi Sabahat T.
Advocate for Respondents : M. M. Ambhore For R/1

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CORAM : V.K. JADHAV, J.
DATE : 17-03-2017.

P.C. :

1. The learned counsel for the applicant submits that, recently the elder son of the applicant died on account of some liver disease and the applicants incurred huge medical expenses towards his treatment. A certificate to that effect is also placed on record at exhibit-R2.

2. The learned counsel for the respondent-insurer has strongly resisted the application on the ground that, as per the earlier order passed by this Court, the applicants have withdrawn 50% of the amount and the applicant may not be permitted to withdraw the remaining amount since certain specific defence is available to the respondent-insurer. The learned counsel in the alternate submits that, the applicant may be permitted to withdraw some amount on furnishing solvent security.

3. In view of the above submission and considering the certificate exhibit-R2 placed on record and since the applicant has incurred huge medical expenses for the treatment of his son and, subsequently, the elder son died while under treatment, the applicant is permitted to withdraw Rupees One Lakh on furnishing undertaking to the satisfaction of the Registrar (Judicial). Civil application is accordingly disposed of.

(V.K. JADHAV)
JUDGE