

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

**CIVIL APPLICATION NO. 11884 OF 2017
IN FA/1375/2017**

VIMALBAI BHIKA SONAWANE
VERSUS
UJWAL HIRAMAN BAVISKAR AND ORS

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Advocate for Applicant : Mr.Rane Girish S.
Mr.S. G. Chapalgoankar, advocate For R/3

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CORAM : K.L.WADANE, J.
DATED : 19th September, 2017

O R D E R :

This is an application for withdrawal of amount of compensation awarded by the Tribunal.

2. Learned counsel appearing for the respondent Insurance Company opposes the application for withdrawal of the entire amount on the ground that at the relevant time of the accident the driver of the vehicle involved in the accident was not holding valid driving license. Therefore, there was clear cut breach on the part of the insurer.

3. At present the award is in favour of the present applicant. In such circumstances, at least 50 per cent of the amount of compensation can be

paid to the applicant.

4. Hence, Civil Application is allowed. The applicant is permitted to withdraw 50 per cent of amount of compensation deposited by the Insurance Company in this Court.

5. Civil Application is disposed of.

(K.L.WADANE, J.)

dbm