

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

916 CIVIL APPLICATION NO. 11528 OF 2017

IN FA/1228/2017

BABASAHEB BABURAO PARMESHWARI

VERSUS

NATIONAL INSURANCE CO. LTD, THR ITS DIVISIONAL MANAGER,
AURANGABAD AND ORS

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Advocate for Applicant : Mr. Pahilwan Gautam J.

Advocate for Respondent No. 1 : Mr. A. S. Usmanpurkar.

Advocate for Respondent No. 3 : Mr. M. R. Deshmukh .

CORAM : K. L. WADANE, J.

DATE : 11th October, 2017

ORDER:

1. This is an application for withdrawal of amount of compensation deposited by the insurance company in this Court.

2. Learned counsel appearing for the applicant points out that earlier orders were passed by this Court in the connected appeals arising out of the same accident. In one matter the claimant was allowed to withdraw the amount of compensation on under taking and in another matter the claimants were allowed to withdraw the compensation amount on condition of furnishing surety.

3. Learned counsel appearing for the insurance company opposes the payment of compensation on the ground that, the driving licence of the driver of the

vehicle involved in the case is fake. The insurance company has produced the certified copy to that effect from the concerned R.T.O. from Manipur.

4. Considering the fact that the Award is in favour of the applicant, I am of the opinion, at least 75 % amount of compensation can be paid to the applicant on undertaking.

5. Civil Application is allowed.

6. The applicant is permitted to withdraw 75 % amount of compensation together with accrued interest on undertaking that in case, adverse orders are passed against him, he will redeposit the amount within a period of 12 weeks from the date of order of this Court.

7. Remaining 25 % amount shall be invested in Nationalized Bank initially for a period of 13 months and thereafter shall be renewed from time to time as per the directions of this Court.

8. Civil application is disposed of.

(K. L. WADANE, J.)

mkd