

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

913 CIVIL APPLICATION NO. 14200 OF 2017
IN FA/1439/2017

DEVKABAI SHRAWAN CHAUDHARI
VERSUS
RELIANCE GENERAL INSURANCE CO. LTD, THR ITS
OFFICIAL, AURANGABAD AND ANR

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Advocate for Applicants : Mr. Nagori Girish
Advocate for Respondent no.1 : Mr. A. S.
Usmanpurkar

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CORAM : K.L.WADANE, J.

DATED : 20th December, 2017

O R D E R :

Heard learned counsel for both sides.

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

3. The application is opposed by the learned counsel appearing for the insurance company on the ground that the driver of the offending vehicle was not holding driving license.

4. Learned counsel for the applicant submits that now the applicant is on death bed suffering from various diseases due to old age.

5. In view of above, the applicant can be permitted to withdraw 75 per cent amount of compensation deposited in this Court on undertaking.

6. Hence, Civil Application is allowed.

The applicant is permitted to withdraw 75 per cent amount of compensation together with accrued interest deposited in this Court on undertaking that in case adverse orders are passed in appeal, then the applicant will re-deposit the said amount in this Court within 12 weeks from the date of such order. Remaining 25 per cent amount along with interest shall be invested in fixed deposit in any nationalized bank initially for a period of two years.

7. Civil Application is disposed of.

(K.L.WADANE, J.)

dbm