

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
78 CIVIL APPLICATION NO. 12768 OF 2017
IN FA/2535/2017

SYD. SADEK SYD RAZAAK
VERSUS
BAJAJ ALLIANZE INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, PUNE AND ANR

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Advocate for Applicant : Mr. Kulkarni Ashutosh S.
Advocate for Respondent No.1 : Mr.S. G. Chapalgoankar

CORAM : K. L. WADANE, J.

DATE : 9th October, 2017

ORDER:

1. Heard learned counsel for the applicant as well as learned counsel for the respondent Insurance company.
2. This is an application filed by the applicant claimants for withdrawal of the amount of compensation deposited by the insurance company in this Court.
3. The learned counsel appearing for the respondent insurance company has opposed the application on the ground that the injured claimant was occupant in the jeep which was hired. In view thereof, according to the learned counsel for the Insurance company, there was breach of the terms and condition of the policy. However, at present, the award is in favour of the applicants/ claimants.

4. In view of the above, I am of the opinion that at least 50% of the amount deposited in the court can be permitted to be withdrawn. Hence, the applicant is allowed to withdraw 50% of the amount deposited in this Court together with proportionate interest accrued thereon.

5. Civil Application disposed of.

(K. L. WADANE, J.)

JPC