

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

CIVIL APPLICATION NO. 12553 OF 2017

IN
FAST/38044/2015

SANGITA SHIVAJI GHONGADE MENTALLY UNSOUND THR NEXT
FRIEND JIJABAI GYANOJI GHODE AND OTHERS
VERSUS
THE UNITED INDIA INSURANCE CO. LTD., THR ITS
BRANCH MANAGER, PARBHANI AND ANR

...

Advocate for Applicant : Deshmukh Sachin S.
S. V. Kulkarni For R/1

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CORAM : K.L.WADANE, J.

DATED : 5th October, 2017

O R D E R :

Heard Mr. Deshmukh, learned counsel for the applicants and learned counsel for the respondent.

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

3. Mr. Deshmukh, learned counsel submits that the deceased was sitting in front of his house taking dinner. At that time, offending vehicle gave dash. Therefore, there is no question of contributory negligence or negligence on the part

of deceased.

4. Learned counsel for the respondent opposes the application on the ground that the driver of the offending vehicle was not holding valid driving license.

5. I have gone through the reasons recorded by the trial Court.

6. In view of above, the amount can be paid to the applicants on taking their undertaking.

7. Hence, the applicants are permitted to withdraw amount of compensation along with accrued interest on undertaking that in case adverse orders are passed by this Court, they will re-deposit the said amount in this Court within a period of 12 weeks.

8. Civil Application is disposed of.

(K.L.WADANE, J.)

dbm