

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

925 CIVIL APPLICATION NO. 13027 OF 2017
IN FA/1879/2017

MADHUKAR NAGORAO GAIKWAD AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, AURANGABAD AND ORS

...

Advocate for Applicants : Mr. Mayure Pramod C
Advocate for Respondent No.1 : Mr. S. G. Chapalgoankar

CORAM : K. L. WADANE, J.

DATE : 12th October, 2017

ORDER:

1. Heard learned counsel for both the sides.
2. This is an application for withdrawal of the amount of compensation deposited by the respondent Insurance Company in this Court. The learned for the respondent Insurance company opposed the application on the grounds that the driver of the truck was not holding driving licence on the date of accident. The learned counsel appearing for the applicant pointed out the reasons recorded by the learned Tribunal in Para 29 of the judgment, that during the cross examination of the witness examined on behalf of the respondent Insurance company, Exh.33 was referred to him and he admitted that the said driving licence is of heavy goods licence and it is issued in the name of

Parmeshwar Rambhau Ekade. In view of this very candid admission, it writ large that the employee of RTO Office is not terming the said licence as fake licence. On the contrary, he is approving the same.

3. In view of the above and for the reasons stated in the application, I am of the opinion that 75% amount can be paid to the applicants with accrued interest. Hence following order:

O R D E R

1. The applicants are allowed to withdraw 75% of the amount deposited in this court with interest accrued thereon.
2. Remaining 25% amount shall be invested in fixed deposit initially for a period of 13 months in any nationalized Bank and shall be renewed thereafter as per directions of the Court.
4. The civil application is disposed of

(K. L. WADANE, J.)

JPC