

(1)

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

CIVIL APPLICATION NO.2010 OF 2017
IN
FIRST APPEAL NO.1022 OF 2016

The Divisional Manager,
National Insurance Co.Ltd.,
Nagpur ..Appellant
Versus

Yashwanti wd/o Punam Netam
and ors. ..Respondents

Mr C.A. Anthony, Advocate for appellant
Ms M.H. Pathade, Advocate for respondents no.1 to
3-claimants
Mr R.B. Puranik, Advocate for respondent no.4

CORAM : N.W. SAMBRE, J.

DATE : 5th MAY, 2017

ORAL ORDER :

1. This is an application for withdrawal of amount.

2. Having heard respective Counsel, learned Counsel for the appellant has strongly opposed the prayer for withdrawal, as according to him, there is breach of policy condition and the driver was not holding valid driving licence.

3. The Commissioner under Workmen's Compensation Act has relied upon the judgment of the Apex Court, in the matter of **National Insurance Co.Ltd., Vs. Swaran Singh and ors.**, reported in **AIR 2004 SC 1531.**

(2)

4. In view thereof, claimants are permitted to withdraw 80% of the amount deposited in this Court, upon furnishing usual undertaking to the satisfaction of Registrar (Judicial).

5. Civil Application stands allowed in above terms.

(N.W. SAMBRE, J.)

Tupe