

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO.148 OF 2017
IN
CIVIL APPLICATION (CAF) NO.2290 OF 2016
IN
FIRST APPEAL ST. NO.13349 OF 2016

IFFCO TOKIO General Insurance Co. Ltd. Thr.its Divisional Manager, Dist. Amravati

-vs-

Vimal Rangrao Mohod and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. J. Pophaly, Advocate for appellant.

Shri P. R. Agrawal, Advocate for respondent Nos.1 &
2/applicants.

CORAM : A.S.CHANDURKAR, J.

DATE : March 03, 2017

The claimants seek permission to withdraw the amount of compensation deposited by the appellant.

The application is opposed by the learned counsel for the appellant on the ground that the driver of the offending vehicle was not holding a valid license when the accident took place.

Perused the impugned judgment in which it has been stated that the appellant did not lead evidence for proving the breach of policy. The Insurance Policy at Exhibit-29 is a Package Policy and the deceased was a pillion rider.

In view of aforesaid, respondent No.1-mother is permitted to withdraw an amount of Rs.Two lakhs subject to filing an undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. Remaining amount shall remain invested in Fixed Deposit. Civil application is disposed of.

C.A.F. No.2291 of 2016

As the appellant has deposited the entire amount of compensation in this Court, the execution of the impugned award shall remain stayed during pendency of the proceedings.

Civil application is disposed of.

JUDGE