

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

CIVIL APPLICATION NO.4282 OF 2017 IN FIRST APPEAL NO.1215 OF 2017
(National Insurance Co. Ltd. vs. Smt. Varsha wd/o Naresh Khatwani and others)

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

Shri A.W. Paunikar, Advocate for appellant.
Shri M.B. Ramteke, Advocate for respondent nos.1 to 4.
Shri R.M. Pande, Advocate for respondent nos.5 and 6.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 13, 2017

This application is filed by respondent nos.1 to 4/claimants for withdrawal of amount of Rs.25,06,146/- deposited by appellant in this Court contending that after death of Naresh, who happened to be husband of respondent no.1 and father of respondent nos.2 to 4, they are put to great hardship and as such, are in dire need of entire amount of compensation deposited by appellant.

Shri Paunikar, learned Counsel for appellant, submits that appeal is preferred mainly on the ground of breach of policy condition as at the time of accident, Driver of the offending vehicle was not possessing valid licence and as such, 50% amount only be allowed to be withdrawn.

Shri Ramteke, learned Counsel for applicants/respondent nos.1 to 4, has accepted the proposal.

In that view of the matter, following order is

passed :

Applicants/respondent nos.1 to 4 shall be allowed to withdraw 50% of amount of Rs.25,06,146/- on furnishing usual undertaking before Registrar (Judicial). Balance amount shall be deposited in fixed deposit of any nationalized Bank initially for a period of two years, which shall be renewed annually.

The civil application is disposed of in the above terms.

JUDGE

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