

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

**999 CIVIL APPLICATION NO. 11351 OF 2018
IN FAST/5733/2018**

**WAMANRAO PUNJAJI JAMDHADE
VERSUS
ICICI LOMBARD GENERAL INSURANCE CO. LTD., THR ITS
MANAGER, AURANGABAD AND ORS**

...
Advocate for Applicant : Shri Sudam W. Jawale
Advocate for Respondent No.1 : Shri A.G.Choudhari
...

**CORAM : P.R.BORA, J.
DATE: 1st November, 2018**

PER COURT:-

1 Heard learned Counsel for the applicant and learned Counsel appearing for the respondent Insurance Company.

2 Though, it is the contention of the learned Counsel appearing for the respondent Insurance Company, which has filed the appeal against the Judgment and award passed by the Tribunal, that the policy itself was not in force, since it was cancelled because of unencashment of the cheque issued by the owner of the vehicle towards premium of the insurance, defence so raised by the Insurance Company does not seem to have been proved by the respondent Insurance Company before the Tribunal.

3 In view of above, the following order is passed:-

ORDER

- I) The applicant is permitted to withdraw 75% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- II) Balance 25% of the deposited amount be invested in Fixed Deposit Receipt in any Nationalized Bank for the period till disposal of the appeal.
- III) Civil application stands disposed of.

(P.R.BORA)
JUDGE

SPT