

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

CIVIL APPLICATION NO. 14687 OF 2018

IN

FIRST APPEAL (ST.) NO. 21999 OF 2017

Devidas Govardhan Rathod and others.

Applicants.

Versus

New India Assurance Co. Ltd. & anr.

Respondents.

WITH

CIVIL APPLICATION NO. 14829 OF 2018

IN

FIRST APPEAL (ST.) NO. 25023 OF 2017

Chabubai Mohan Rathod and others.

Applicants.

Versus

New India Assurance Co. Ltd. & anr.

Respondents.

WITH

CIVIL APPLICATION NO. 14832 OF 2018

IN

FIRST APPEAL (ST.) NO. 28608 OF 2017

Keshav Gorba Rathod and others.

Applicants.

Versus

New India Assurance Co. Ltd. & anr.

Respondents.

Mr. N.S. Tekale, Advocate for the applicants.

Mr. S.G. Chapalgaonkar, Advocate for respondent No.1.

CORAM : SUNIL K. KOTWAL,J.

Dated : 11th December 2018.

ORDER :-

. Heard learned Counsel for the applicants and learned Counsel for Insurance Company. Learned Counsel for Insurance Company objects the applications on the ground that driver did not hold driving licence and there was contributory negligence on the part of other offending vehicle.

2. At this stage on this count the applications for withdrawal cannot be rejected. However, considering the defence of appellant / Insurance Company, permission is granted to the applicants to withdraw 50% amount of compensation deposited by Insurance Company in the respective Appeals with proportionate accrued interest thereon, subject to filing of written undertakings by them within a period of eight weeks from today, to deposit the withdrawn amount as and when required.

3. The deposited amounts be transmitted to the Motor Accident Claims Tribunal, Parbhani for disbursement as directed above and for filing of written undertakings before the Tribunal.

The Tribunal shall transmit the written undertakings to this Court in the respective appeals.

4. Civil Applications are disposed of.

(SUNIL K. KOTWAL)
JUDGE

vdd/