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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICTION NO.1756 OF 2018
IN
FIRST APPEAL (ST) NO.19418 OF 2016**

Sachin Shantaram Jadhav ... Applicant

In the matter between

The New India Assurance Co.Ltd. ... Appellant

V/s.

Sachin Shantaram Jadhav ... Respondents

Mr. Uday B. Nighot, for the applicant.

Ms. Shalini Shankar, for the appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st NOVEMBER, 2018.

P.C. :

1] Heard learned counsel for the original claimant and learned counsel for the appellant.

2] This application is for withdrawal of the entire amount of compensation deposited by the Insurance Company.

3] Learned counsel for the appellant insurance company has opposed the same on the ground that the Driver of the offending vehicle was not having valid licence and this fact was confirmed by the R.T.O. Officer also. Hence it is submitted that even the order of pay and recovery passed by the Tribunal is also not correct.

4] Considering the contention raised by learned counsel for appellant, respondent claimant cannot be permitted to withdraw the entire amount of compensation. Having regard to the requirement of the claimant, he is permitted to withdraw 50% of the amount of compensation, subject to filing of usual undertaking.

5] Application is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]