

(1)

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

**64 CIVIL APPLICATION NO.4408 OF 2018
IN FA/4104/2017**

**RUSTUM NIVRUTTI BANGAR AND ANR
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. THR ITS DIVISIONAL
MANAGER AURANGABAD AND ANR**

...

Advocate for Applicants : Mr. Dhakane Rajendra B.
Advocate for Respondent No.1 : Mr. A.B. Gatne
Advocate for Respondent No.2 : Mr. R.M. Deshmukh

...

**CORAM : P.R. BORA, J.
DATED : 03rd JANUARY, 2019.**

PER COURT:-

. Heard the learned counsel appearing for the applicant and the learned counsel appearing for the respondents.

2. The insurance company has disputed the liability as well the quantum of compensation. The liability is disputed on the ground that the driver of the offending vehicle was not holding a valid driving licence on the date of accident. Quantum is disputed on several grounds.

3. After having considered the submissions, I deem it appropriate to pass the following order:

ORDER

- i) The application is partly allowed.
- ii) The applicants are permitted to withdraw 50% of the amount deposited by the insurance company in this court along with interest accrued thereon on submitting an undertaking to the satisfaction of the Registrar of this Court.
- iii) Balance 50% of the amount and the interest accrued thereon be invested in Fixed Deposit Receipt in any nationalized bank, initially for a period of one year and if so required for the further period till disposal of the appeal.
- iv) Civil application stands disposed of.
- v) List the appeal for final disposal at the admission stage on 05.02.2019.

(P.R. BORA, J.)