

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

**1027 CIVIL APPLICATION NO.11363 OF 2019
IN FA/1854/2019**

**SANJAY HIRALAL BORA AND ANR
VERSUS
NEW INDIA INSURANCE CO. LTD., THR ITS DIV. MANAGER,
AHMEDNAGAR AND ORS**

...
Advocate for Applicants : Mr. Aghav Avinash D
Advocate for Respondent No.1 : Mr. S.G. Chapalgaonkar
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 4th OCTOBER, 2019.

ORDER :

. Present application has been filed for withdrawal of amount.

Amount of Rs.26,42,869/- has been deposited in this Court.

2. Learned Advocate appearing for the insurance company submits that the appeal has been filed challenging the quantum as well as breach of terms of policy on account of not holding valid and effective driving license by the driver of the offending vehicle.

3. Both the points have been decided by the tribunal, under such circumstance, a competent Court has come to the conclusion holding the

insurance company liable to pay the compensation. Hence, case is made out for partial withdrawal of the amount. Both the claimants are allowed to withdraw amount of Rs.7,00,000/- each.

4. Applicants shall file an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

5. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM