

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

Civil Application No. 12574 of 2019
(In First Appeal No. 01949 of 2019)

District : Ahmednagar

Kundlik Waman Borude.

.. Applicant
(Original claimant)

versus

The Divisional Manager,
National Insurance Co. Ltd.,
Through its Authorized Officer,
Parag Plaza Building,
Near Old bus stand,
Ahmednagar
& another.

.. Non-applicants.

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*Mr. Majit S. Shaikh & Mr. Y.K. Shaikh,
Advocates, for the applicant.*

*Mr. Aniruddha S. Usmanpurkar, Advocate, for
non-applicant no.01.*

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 17TH OCTOBER 2019

ORAL ORDER :

01. Present application has been filed for withdrawal of the amount. Amount of Rs. 13,51,132/- has been deposited by the Insurance Company. The appeal is admitted. It is in respect of breach of terms of policy.

02. The application has been objected by the learned Advocate for the appellant - non-applicant no.01 on the ground that after judgment was pronounced, the driving license of the driver of the offending vehicle has been verified and it turned out to be fake license. It is also submitted by the learned Advocate for the appellant, that he is going to file application for production of documents.

03. At this stage, a competent Court has given its judgment on the basis of the evidence adduced before it. Under such circumstance, definitely, case is made out for partial withdrawal of the amount.

04. The applicant is allowed to withdraw Rs. 6,50,000/- [Rupees six lacs fifty thousand] on submission of undertaking, to be filed within a period of four weeks from today, in this Court, that in case, in future, he is directed to re-deposit the said amount, he would deposit it.

05. The civil application is disposed of in the above terms.

(Smt. Vibha Kankanwadi)
JUDGE

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