

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.14087 OF 2019
IN
FIRST APPEAL (ST.) NO.7982 OF 2018
(Maharu Chindha Patil and others Vs. Bajaj Allianz General Insurance Co.
Ltd., through its Authorized Signatory, Aurangabad)

Mr. Chetan V. Bhadane, Advocate for the applicants
Mr. S.G. Chapalgaonkar, Advocate for respondent No.1

CORAM : MANGESH S. PATIL, J.

DATE : 03.12.2019

PER COURT :

The original claimants are seeking withdrawal of the amount of compensation deposited by the Insurance Company in this Court.

2. The learned Advocate for the Insurance Company submits that it is coming with a specific defence of breach of terms and conditions of the contract inasmuch as the driver was not holding valid and effective driving licence to drive the vehicle of the kind involved in the accident. It is also submitted that there is a dispute about the quantum of compensation assessed by the Tribunal.

3. In my view, considering the conspectus of the matter, the applicants deserve to be paid 75% of the amount of compensation.

4. The application is allowed. The applicants are allowed to withdraw 75% of the amount of compensation deposited in this Court by furnishing an undertaking on usual terms.

[MANGESH S. PATIL]
JUDGE

npj/ca14087-2019