

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (O) NO.1585 OF 2019
IN CAF NO.184 OF 2019 IN F.A.ST.NO.26061 OF 2018

National Insurance Co. Ltd. Thr. Regional Manager

vs.

Hemraj Chambaru Ramteke & Ors.

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. B. P. Bhatt, Advocate for applicant/appellant.
Shri. V. M. Nitnaware, Advocate for respondents.

CORAM : Manish Pitale J

DATED : 27.08.2019

This is an application filed by respondent No.1 (original claimant) seeking permission to withdraw the amount of compensation deposited by the appellant insurance company.

2. In the appeal, the main ground of challenge raised on behalf of the appellant is that, the person driving the offending vehicle was not having valid driving license and that accident had occurred due to his negligence. On this basis, it is claimed that there was breach of policy, therefore, the appellant insurance company is not liable to pay amount of compensation.

3. This Court is of the view that even if contentions raised on behalf of the appellant were to be accepted, the right of the respondent No.1(original

claimant) to the compensation amount would not be adversely affected. Hence, the present application is allowed and the respondent No.1 is permitted to withdraw the amount of compensation deposited by the appellant insurance company on filing usual undertaking.

JUDGE

KOLHE