

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

Civil Application (CAF) No.3271/2019

IN

First Appeal No.348/2019

Royal Sundaram Allianz Insurance Co. Ltd.

Vs.

Anil Lokhande and another

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

Court's or Judge's orders

Mr. D.N. Kukday, Advocate for appellant.
Mr. M.I. Dhatrak, for respondent No.1.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 03, 2019

This is an application filed by the respondent No.1 (claimant), seeking withdrawal of amount of of compensation deposited by the appellant (insurance company) in this Court. This is a case of permanent disability and main argument raised on behalf of the appellant (insurance company) that the policy stood cancelled as the cheque issued for payment of premium was allegedly dishonoured. If that be so, according to the appellant, the liability could not be foisted on the appellant insurance company.

2. Considering the fact that the respondent No.1 (applicant) has suffered permanent disability in the accident in question, this Court is of the opinion that in it would in the interest of justice, that the

respondent No.1 (applicant) is permitted to withdraw 50% amount deposited in this Court on furnishing usual undertaking.

3. Accordingly, the application is allowed and the respondent No.1 (applicant) is permitted to withdraw 50% of the amount deposited in this Court by the appellant, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial), within a period of 4 weeks from today.

4. Application is disposed of.

JUDGE