

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

C.A.F. NO. 4171/2019 IN F.A. NO. 1547/2019.

Bharti Axa General Insurance Co.

-VERSUS-

Sanjay Ramchandra Wankhede and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.P. Bhuibar, Advocate for the Applicant.
Ms. M.H. Pathade, Advocate h/f. Shri P.S. Mirache,
Advocate for Respondent No.1.

CORAM : VINAY JOSHI, J.

DATE : 27.11.2019.

Heard.

2. Respondent no.1/claimant is seeking withdrawal of the compensation amount of Rs.1,93,893/- quoting financial difficulties, as reason for withdrawal. The applicant has resisted this application by submitting that there was no insurance coverage on the date of the accident.

3. I have gone through paragraph no.20 of the judgment from which it reveals that the dispute is about the effect of cancellation of the policy.

4. Having regard to the controversy which

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may exonerate the insurer, if their stand is accepted, I deem it appropriate to permit partial withdrawal of the amount. Hence, the claimant/ respondent no.1 is permitted to withdraw an amount of Rs.1 lakh on furnishing usual undertaking to the satisfaction of the Registrar (Judicial). Civil Application is disposed of accordingly. No costs.

JUDGE

Rgd.