

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO.7316 OF 2020 IN
FIRST APPEAL NO. 1957 OF 2020

KAKASAHEB UTTAMRAO CHAVAN
VERSUS
RAVINDRA PRAKASH SOLUNKE AND ORS.

...
Mr.m.v. Chavan (Manal), Advocate for
applicant.
Mr.A.S. Usmanpurkar, Advocate for respondent
no.3.

...
CORAM : V.L.ACHLIYA,J.
DATE : 11.12.2020

ORAL ORDER :

. The applicant-claimant moved this application seeking withdrawal of amount deposited by the appellant – insurance company.

2. Mr.Usmanpurkar, learned counsel for the appellant – insurance Company opposed the application with contention that there was breach of policy condition. The driver of the vehicle was not holding the driving licence to drive the heavy motor vehicle, which was involved in the accident. He was possessing the driving licence to drive the light motor vehicle. The licence to drive the vehicle in question has been procured after three months

of the accident. It is submitted that there is no order to pay and recover.

3. On due consideration of submissions advanced in the light of overall facts of the case and challenge raised in appeal, I am of the view, the order in following terms would meet the ends of justice. Hence the following order :-

ORDER

(i) The applicant is permitted to withdraw the amount to the extent of 60% on furnishing written undertaking to the effect that in the event the award is set aside or modified, the applicant shall redeposit the amount within eight weeks from the date of passing of the order.

(ii) After making the payment, the balance amount be invested in Fixed Deposit with any Nationalized Bank if already not invested till the disposal of appeal.

(iii) The application is disposed of in above terms.

**[V.L.ACHLIYA]
JUDGE**