

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CIVIL APPLICATION NO.8065 OF 2020
IN FA/1078/2020

ARJUN VINAYAK MORE U/G HIS NATURAL FATHER VINAYAK
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, AURANGABAD AND ORS

Mr.V.G. Kodale h/f. Mr. V.D. Gunale, Advocate for the
applicant.

Mr.S.G. Chapalgaonkar, Advocate for resondent No.1.

CORAM : V.L.ACHLIYA,J.

DATED : 08.12.2020

P.C. :-

01. The applicant-claimant, who is minor, has moved this application through his father-natural guardian seeking withdrawal of amount deposited in this Court.

02. Mr. Chapalgaonkar, learned counsel for the appellant-insurance company has opposed the application with contention that the appellant is not liable to pay compensation for the reason that there was breach of policy condition. The driver of the vehicle had no valid licence for driving vehicle. So also, the vehicle had no valid permit to be used for goods carrier.

03. On the other hand, learned counsel for the applicant-claimant supported the award passed by the

Tribunal and submitted that the Tribunal has examined the case. It is submitted that out of the amount of Rs.1,45,000/- awarded by the Tribunal, an amount of Rs.90,000/- has been directed to be invested in the name of applicant-claimant i.e. minor with directions to pay quarterly interest accrued on the amount invested to the father of the present applicant.

04. On considering submissions advanced, following order is passed :-

i. Out of amount deposited and investing an amount to the extent of Rs.90,000/- as fixed deposit in the name of applicant, balance amount be paid to the applicant to be utilised for the benefit of the claimant, for his education, treatment and to provide necessities.

ii. The payment of amount shall be subject to the outcome of the appeal.

iii. The payment be made on furnishing undertaking by the claimant through his father to the effect that in the event award is set aside or modified and the applicant is required to re-deposit the amount, the applicant shall

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deposit the same with this Court within eight weeks from the date of passing of the order.

5. The civil application is disposed of in above terms.

[V.L.ACHLIYA,J.]