

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.2755 OF 2021
IN FA/49/2021**

(Anjana w/o. Laxman Jagtap

vs.

New India Assurance Co. Ltd. and ors.)

Ms.S.G.Sonawane, Advocate for applicant

Mr.S.R.Bodade, Advocate for respondent no.1

Mr.K.D.Khade, Advocate for respondent nos.2 and 3

CORAM : R.G. AVACHAT, J.

DATE : AUGUST 27, 2021

ORDER :-

Heard. Perused the impugned award.

2. A sum of Rs.5,75,959/- has only been deposited inspite of the order dated 04.11.2020 in Civil Application No.7323 of 2020, directing the insurance company to deposit entire amount under the impugned award.

3. Learned counsel for the appellant - insurance company would submit that the driver did not have a valid and effective driving license to drive the offending vehicle at the relevant time. The Tribunal has addressed the said position in issue no.2. Now, learned counsel for the appellant – insurance company would submit that he will have

to move an application to lead additional evidence. Be that as it may.

4. It is a death claim. For the present, the applicant is permitted to withdraw Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand), on furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court.

5. The application stands disposed of accordingly.

[R.G. AVACHAT, J.]

KBP