IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1712 OF 2021
IN
FIRST APPEAL STAMP NO. 3455 OF 2020

Sanjivani Wd/o Ashok Bansode and others … Applicants
Versus
United India Insurance Company Ltd. & ors … Respondents

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Mr. Punit S. Mehta, Advocate for the applicants
Mr. A. G. Kanade, Advocate for respondent No.1

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CORAM : R. G. AVACHAT, J.

DATED : 09th JULY, 2021

PER COURT :-

. Heard. Perused the impugned award.

2. Shri Kanade, learned Advocate for the appellant submits that the appellant - insurance company came with the case that the driver did not have driving license. He further submits that the permit and fitness certificate of the vehicle, were also not valid.

3. In my view, this defence does not go to the root of the matter. In other words, it is not fundamental breach. In the fitness of things, the applicants are allowed to withdraw 70% of the amount deposited in this Court. Hence, following order:-

O R D E R

(i) The civil application is partly allowed.

(ii) The applicants are permitted to withdraw 70% of the deposited amount, on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(iii) Balance 30% amount be invested in any nationalised bank, till disposal of the first appeal.

[R. G. AVACHAT, J.]

SMS