

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

CIVIL APPLICATION [CAF] NO.1029 OF 2021

IN

FIRST APPEAL NO.13453 OF 2020

[Shriram General Insurance Company Limited .vs. Shri Jairam s/o Jivanji Warkhade and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri H.N. Verma, Advocate for appellant,
Shri M.R. Joharapurkar, Advocate for respondent nos.1 to 3.

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 17/08/2022.

Civil Application (CAF) No.865/2022

Present application is filed by respondent nos.1 to 3 for grant of permission to withdraw decretal amount. The application is opposed by the learned counsel for the appellant-insurance company and submitted that there was fundamental breach of conditions of the policy as the driver was not holding driving licence as well as there was no permit. These grounds can be agitated at the time of final hearing.

At this stage, it would be appropriate to allow to the respondents to withdraw fifty percent of amount from the amount so deposited by the appellant-insurance company.

Registry is directed to release fifty percent of amount along with accrued interest in favour of respondent nos.1 to 3 on furnishing usual undertaking to the effect that as per final order in the appeal, if appellant succeeds, the amount so withdrawn will be refunded as per order in the proceedings which would finally be passed.

Application is disposed of.

Record and proceedings be called.

[Smt. M.S. Jawalkar, J.]

Gulande