

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION NO.774 OF 2023 IN
FIRST APPEAL NO.696 OF 2021**

(IFFCO Tokio General Insurance Co. Ltd. Vs. Smt. Vrushali Manoj Tembhurne and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Kukday, Advocate for the appellant.
Ms S.H. Bhagat, Advocate for respondent Nos.1 to 4.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 21, 2023.

Heard.

2. This application is filed for seeking permission for withdrawal of the amount.

3. It is submitted on behalf of the claimants that though the award is passed in their favour, they have not received the compensation amount. They have lost their bread earner in the accident. Now they are facing financial crisis, therefore, they are in dire need of compensation amount.

4. Said application is strongly opposed by the Shri Kukday, learned Counsel for the appellant on the ground that the appellant has challenged the award as there is a breach of terms and conditions of the policy as driver of the offending vehicle was not holding valid driving license. Admittedly, the claimants are the third party.

5. Considering the grounds raised in the application and the objection raised by Shri Kukday,

learned Counsel, it will be appropriate to permit the claimants to withdraw 75% of the amount on usual undertaking.

6. The amount be disbursed on due identification and verification.

7. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*