



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO. 4436 OF 2024
IN FA/342/2024

SHAHRUKH ISAK MOMIN
VERSUS
FUTURE GENERAL INDIA INSURANCE COMPANY THE
BRANCH MANAGER AND ANR

...
Advocate for Applicant : Mr. Badakh Vishal S.
Advocate for Respondents : Mr. A.C. Chaudhari (Through V.C.)
...

AND

918 CIVIL APPLICATION NO. 4461 OF 2024
IN FA/346/2024

BABULAL ABBAS SHAIKH AND ANR
VERSUS
THE BRANCH MANAGERSAHEB FUTURE GENERAL INDIA
INSURANCE COMPANY

...
Advocate for Applicant : Mr. Badakh Vishal S.
Advocate for Respondents : Mr. A.C. Chaudhari (Through V.C.)
...

CORAM : S. G. MEHARE, J.

DATE : 07th MAY, 2024.

PER COURT :

1. Heard the learned Counsel for the respective parties.

2. The appellant has a ground that it was a case of drunk and drive. It was a violation of the insurance policy.

3. Learned Counsel for the applicant submits that the appellant could not prove the defence. Therefore, the application may be allowed.

3. In view of the specific ground raised in appeal, following order has been passed :

ORDER

- a) Both the applications are partly allowed.
- b) Applicants are allowed to withdraw 50% amount with proportionate interest accrued there on, deposited with this Court on the undertaking that they would re-deposit the money with this Court within eight weeks, if the impugned judgment and award is reversed.

(S. G. MEHARE)
JUDGE