



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

CIVIL APPLICATION NO. 12180 OF 2023 IN FAST/22736/2023

AAMER YUSUF SHAIKH
VERSUS

THE RELIANCE GENERAL INSURANCE CO LTD THROUGH ITS
BRANCH MANAGER AND OTHERS

...
Advocate for Applicant : Mr. Ravindra V. Gore
Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar
...

CORAM : S. G. MEHARE, J.

DATE : 02-02-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for respondent No.1/appellant.
2. Learned counsel for respondent No.1/insurer states that the insurance policy was fake. The owner of the offending vehicle did not produce the policy. However, the learned Tribunal did not consider the plea of fake policy and incorrectly held the insurer liable. He also submits that the future prospects have also been held on higher side. It would not be more than 40%. Considering this aspect, the following order is passed;
 - i) The application is partly allowed.
 - ii) The applicant is permitted to withdraw Rs.6,00,000/- (Rs. Six Lakh only) out of the amount deposited with this Court with an undertaking that he will deposit the amount, if the impugned judgment and award is reversed.
 - iii) The balance amount be invested in the fixed deposit in any Nationalized Bank as per rules, till disposal of the appeal.

(S. G. MEHARE, J.)