



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

969 FIRST APPEAL NO. 882 OF 2026

The Branch Manager, New India Assurance Company

VERSUS

Kasubai Pralhad Patil And Ors

...

Mr. M. M. Ambhore, Advocate for Appellant

Mr. Anudeep D. Sonar, Advocate for Respondent No.1

WITH

CIVIL APPLICATION NO. 1867 OF 2026

IN FA/882/2026

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 13.03.2026

PER COURT :-

CIVIL APPLICATION NO. 1867 OF 2026

1. This is an application seeking permission to withdraw the amount deposited in this Court pursuant to the award.

2. Heard.

3. Learned advocate for respondent/Insurance company strongly opposed the application. He submitted that the driver of the offending vehicle was holding only a driving licence to ride a motorcycle. It is a fundamental breach of the conditions of the policy. He therefore prayed to reject the application.

4. Perused the application. For the reasons stated therein and considering the arguments of both the sides, it would be proper to partly allow the application. Hence, the following order:

::ORDER::

- a. The application is partly allowed.
- b. The applicants are permitted to withdraw 50% of the amount out of the amount deposited by the appellant in this court, with accrued interest thereon, on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

[SANJAY A. DESHMUKH, J.]

HRJadhav