

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

1112 CIVIL APPLICATION NO. 11530 OF 2015
IN FA/479/2012

PRASHANT PANDURANG GADAMWA

VERSUS

NEW INDIA ASSURANCE COMPAN LTD AURANGABAD THR DIVNL
MANAGER AND ANOTHER

...

Advocate for Applicants : Mr.Deshmukh Sachin S.
Advocate for Respondent No.1 : Mr. S. G. Chapalgaonkar
Advocate for respondent No.2: Mr. S.K.Shaikh

CORAM : S. V. GANGAPURWALA, J.

DATE : 11th September, 2015

PER COURT :

1. This is an application for withdrawal of the amount deposited by the respondent Insurance Company.
2. Heard Mr. Deshmukh, the learned counsel for the applicant Mr. Chapalgaonkar, the learned counsel for the insurance company.
3. Mr. Deshmukh, the learned counsel submits that initially the amount was allowed to be withdrawn by claimant No.1 i.e. widow. Now the present applicant has become major and has taken admission in MBBS Course and requires money for the said purpose.
4. Mr. Chapalgaonkar, the learned for the insurance company opposes the application on the ground that the claimant No.1 has been allowed to withdraw the entire amount.
5. Considering the order passed by the Tribunal, I pass following order:-

- i. The Applicant Prashant (original claimant No.2) is allowed to withdraw Rs.3,00,000/- on submitting undertaking to this Court that in the event the applicant is directed to deposit the amount, the applicant shall deposit the same within a period of one month alongwith accrued interest.
- ii. The Applicant is further allowed to withdraw Rs.2,00,000/- on furnishing solvent surety/security of like amount..

6. Civil application disposed of.

(S. V. GANGAPURWALA, J.)

JPC