

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

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971 CIVIL APPLICATION NO. 9849 OF 2015
IN FA/1340/2015

SUVARTA SUBHASH DHONE AND OTHERS

VERSUS

**THE NEW INDIA ASSURANCE CO. LTD. THR ITS MANAGER LEGAL
HUB SHARDA ASHOK MANDVEKAR**

...

Advocate for Applicants : Mr. Kalani Pravin N.
Advocate for Respondent No.1 : Mr. M. M. Ambhore

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CORAM : S. V. GANGAPURWALA, J.

DATE : 9th October, 2015

PER COURT :

1. This is an application for withdrawal of the amount.
2. Mr. Ambhore, the learned counsel for the respondent opposes the application on the ground that the policy in question is an act only policy and the insurance company is not liable to pay any amount. Its liability would be limited to Rs.50,000/- which they have already paid under 'no fault liability'.
3. Today the award is in favour of the applicant. The compensation amount awarded to applicants 2 and 3 cannot be allowed to withdrawn by any one as they are minors.

4. Considering the above, I pass following order:

5. Applicant No.1 Suvarta, Applicant No.4 Dnyandeo and Applicant No.5 Sangeeta are allowed to withdraw Rs.50,000/- each on submitting undertaking to this court that in the event they are directed to deposit the amount, they would deposit the same within one month.

6. The applicant No.1 is further allowed to withdraw Rs.1,00,000/- (Rupees one lakh) and applicants 4 and 5 are allowed to withdraw Rs.50,000/- (Rupees fifty thousand) each on furnishing solvent surety/security in the like amount.

7. Remaining amount be kept in fixed deposit of any nationalized bank. Civil application disposed of.

(S. V. GANGAPURWALA, J.)

JPC