

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 11063 OF 2015
IN FA/1734/2015**

**SHOBHA GORAKSHNATH GADAKH ND OTHERS
VERSUS
THE RELIANCE GENERAL INSURANCE COMPANY AND ANOTHER**

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Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirar

Advocate for Respondents : Mr. S. G. Chapalgaonkar

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CORAM : S. V. GANGAPURWALA, J.

DATE : 4th September, 2015

PER COURT :

1. This is an application for withdrawal of the amount deposited under the award of the Tribunal.

2. Mr. Chapalgaonkar, the learned counsel for the respondent Insurance Company opposed the application on the ground that the vehicle in question is not validly insured with respondent no.1 and it is also a case of contributory negligence.

3. Considering the nature of the award and the amount awarded, I pass following order:-

- i. The Applicant No.1 Smt. Shobha is allowed to withdraw Rs.1,50,000/- on submitting undertaking to this Court that in the event the applicant is directed to deposit the amount, the applicant

would deposit the same within a period of one month.

- ii. The applicant No.1 Smt. Shobha is further allowed to withdraw Rs.2,50,000/- (Rupees two lakhs fifty thousand only) on furnishing solvent surety/security of like amount.
- iii. The Applicant Nos. 3 and 4 are allowed to withdraw Rs.50,000/- each on submitting undertakings to this Court that in the event they are directed to deposit the amount, they would deposit the same within a period of one month.
- iv. The Applicant Nos. 3 and 4 are further allowed to withdraw Rs.1,00,000/- each on furnishing solvent surety/security of like amount.
- v. Remaining amount shall be kept in fixed deposit of any nationalized bank.
- vi. Civil application disposed of.

(S. V. GANGAPURWALA, J.)

JPC