

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

CIVIL APPLICATION NO. 12221 OF 2015  
IN FA/185/2012

SANGEETA JAISING GUND AND ORS  
VERSUS  
NEW INDIA ASSURANCE COMPANY LTD AND OTHERS

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Advocate for Applicants : Salunke Sudarshan J  
Advocate for Respondents : S G Chapalgaonkar For R/1  
Adv.Mr R.H. Dahat & S S Patil For R/5

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**CORAM : S.V.GANGAPURWALA,J.**

**DATED : 1ST OCTOBER, 2015**

**ORDER :-**

This is an application for withdrawal of amount. Mr.Chapalgaonkar, learned counsel for respondent opposed the application on the ground that there were two vehicles. The apportionment will have to be made between two vehicles and the driver of the vehicle insured by the present appellant was not holding valid driving licence.

2] Mr.Salunke, learned counsel submits that in fact the amount is required for the education of the minors. As far as 50% of the amount is considered same is deposited by other insurance company as such liability of present insurance company can be only to the extent of 50% however, present insurance company has deposited amount of Rs.16,68,000/- that is the entire amount in the award. Liability now would be restricted to 50% i.e. about 8 lakhs. The same amount is awarded to the minor and the parents.

3] Considering above I pass following order :

The applicant no.2 Swapnil, applicant no.5 Sindhubai and applicant no.6 Pandharinath are each allowed to withdraw Rs.50,000/- on submitting undertaking to this Court that in event they are directed to deposit the amount, they would deposit the amount within one month.

Applicant no.1 Sangeeta is allowed to withdraw Rs.3 lakhs on submitting undertaking to this Court that in event she is required to deposit she would deposit said amount within one month.

The applicant no.1 is further allowed to withdraw an amount of Rs.1,50,000/- on furnishing solvent security/surety of like amount. Remaining amount be kept in Fixed Deposit in Nationalised Bank. Civil Application stands disposed of. The New India Assurance Company which has deposited the amount is entitled to withdraw an amount of Rs.8 lakhs. Remaining amount be kept in Fixed Deposit in Nationalised Bank.

**[S.V.GANGAPURWALA,J.]**

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