

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

**CIVIL APPLICATION NO. 14108 OF 2015
IN
FIRST APPEAL NO. 1406 OF 2015**

Nanasaheb Bansi Shinde and another .. Applicants

Versus

The New India Assurance Co. Ltd.
and others .. Respondents

Shri Aniruddha A. Nimbalkar, Advocate for Applicants.
Shri A. B. Kadethankar, Advocate for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 23RD OCTOBER, 2015.**

PER COURT :

. This application is for withdrawal of amount. Mr. Kadethankar, the learned counsel opposes the application on the ground that the Insurance company was not at all liable. It is a case of breach of policy.

2. Considering the award passed, I pass following order.

3. The applicants are allowed to withdraw 50% of the amount deposited in proportion as awarded by the Tribunal on submitting a solvent security/surety of like amount. The civil

application is disposed of

4. If any request would be made for withdrawal of remaining amount, the same would be considered at the time of admission of first appeal.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15