

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

Civil Application No. 15556 of 2015
(In First Appeal Stamp No. 23717 / 2012)

Jayashri w/o. Jayvant Kakulate,
Age : 39 years,
Occupation : Nil,
R/o. Dhamanar,
Taluka : Sakri,
District : Dhule,
& 4 others.

.. Applicants
(Original claimants)

versus

Gautam Champalal Lunawat,
Age : - ,
Occupation : Maruti Omni Owner,
R/o. Tongaon,
Taluka & District : Jalgaon,
& another.

.. Non-applicants.

.....

Mrs. Sabahat T. Kazi, Advocate, for applicants.

Mr. S.G. Chapalgaonkar, Advocate, for non-applicant no.2.

.....

CORAM : A.M. BADAR, J.

DATE : 2ND DECEMBER 2015

PER COURT :

1. Heard the learned Counsel appearing for applicants and the learned Counsel appearing for non-applicant no.2.

2. This is an application by original claimants for withdrawal of the amount under the award.

3. Undisputedly, the First Appeal challenging the judgment and award is dismissed by this Court. As such the application deserves to be allowed.

4. Hence, the Application is allowed.

Applicants are permitted to withdraw the amount deposited by the Insurance Company in terms of judgment and award dated 3-1-2012 passed in M.A.C.P. No. 1047/2009. However, the apportionment and disbursement of the amount shall be in terms of the award.

5. The Civil Application is disposed of accordingly.

(A.M. BADAR)
JUDGE

.....