

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 6150 OF 2014
IN FA/1685/2013**

**MAHANANDA SIDAJI SHINDE AND OTHERS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD. AND OTHERS**

...
Advocate for Applicants : Mr. Adgaonkar Ravibhushan P
Advocate for Respondents : Mr. S. G Chapalgaonkar

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

DATE : 4th September, 2015

PER COURT :

1. This is an application for withdrawal of the amount deposited by the respondent Insurance Company.
2. Heard Mr. Adgaonkar, the learned counsel for the applicant Mr. Chapalgaonkar, the learned counsel for the insurance company.
3. Mr. Chapalgaonkar, the learned counsel for the insurance company opposes the application on the ground that involvement of the vehicle itself is disputed. The FIR is lodged after 50 days, that too against the brother-in-law of the deceased and the multiplier is also wrongly applied. Claimants 2 and 3 are minor. As such, the amount of their share cannot be allowed to be withdrawn.
4. Considering the defence of the insurance company, I pass following order:-
 - i. The Applicant No.1 Smt. Mahananda is allowed to withdraw Rs.1,00,000/- on submitting undertaking to this Court that in the event the applicant is

directed to deposit the amount, the applicant shall deposit the same within a period of one month.

- ii. The Applicant No.4 Parvatabai is allowed to withdraw Rs.50,000/- on submitting undertaking to this Court that in the event the applicant is directed to deposit the amount, the applicant shall deposit the same within a period of one month.
- iii. The applicant Smt. Mahananda is further allowed to withdraw Rs.1,00,000/- on furnishing solvent surety/security of like amount.
- iv. Remaining amount shall be kept in fixed deposit of any nationalized bank. Liberty to applicants 2 and 3 to move after attaining age of majority.

5. Civil application disposed of.

(S. V. GANGAPURWALA, J.)

JPC