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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1583 OF 2013

IN

WRIT PETITION NO.4956 OF 2005

Smt. Sujata Sanjay Sapkar & Ors.

..Applicants.

V/s.

National Insurance Co. Ltd. & Ors.

..Respondents.

Mr.Pradeep J. Thorat for the applicants.

None for the respondents.

**CORAM : A.S.OKA AND
A.K. MENON, JJ.****DATED : 27TH FEBRUARY, 2015****P.C. :-**

1. Heard the learned counsel for the applicants. The first applicant is the petitioner in the disposed of writ petition and the second and third applicants in this application are the sons of the first applicant. On deposit of a sum of ₹5,50,000/-, by an order dated 30th September, 2009, the Writ Petition No.4956 of 2005 was ordered to be disposed of. By further order dated 17th January, 2006, an order of investment was made in the sum of ₹1,25,000/- each in the names of second and third applicants. The amounts were ordered to be invested till both of them attain majority. A sum of ₹1,00,000/- was ordered to be paid to the first applicant and a sum of ₹2,00,000/- was ordered to be invested in the name of the first applicant till further orders of this Court.

2. Now, the second and the third respondents have attained majority. Therefore, they are entitled to withdraw the amount invested in their names.

3. As far as the amount of ₹2,00,000/- invested in the name of the first applicant is concerned, fixed deposit has continued for almost last nine years. In the circumstances, a case is made out for grant of permission to the first applicant to withdraw the said amount.

4. Accordingly, we dispose of the application by passing the following order:-

- (i) We permit the second and the third applicants to withdraw the amount of ₹1,25,000/- each invested under the order dated 17th January, 2006 together with the interest, if any, accrued thereon;
- (ii) We permit the first applicant to withdraw the sum of ₹2,00,000/- together with interest accrued thereon, if any;
- (iii) We direct the Registry to pay the aforesaid amounts to the applicants by account payee cheques or by way of direct transfer to their respective bank accounts;
- (iv) The application is disposed of in the above terms.

(A.K.MENON, J.)

(A.S.OKA, J.)