

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 4611 OF 2013
IN
FIRST APPEAL NO. 980 OF 2008**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R. N. Gite for the applicant.

Mr. D.R. Mahadik i/b S. R. Singh for the respondent.

CORAM : K. K. TATED, J.

DATED : 08/04/2015.

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by claimant for withdrawal of amount deposited by the Appellant insurance company in the Trial Court.

3 The learned counsel for the applicant submits that initially claimant nos. 1 & 2 preferred Civil Application no. 1238 of 2009 for withdrawal of amount. That Civil Application was allowed by this Court on 16.03.2009 allowing claimant nos. 1 & 2 to withdraw Rs.1,00,000/- on furnishing security to the satisfaction of the Trial Court. He submits that at that time applicant was minor, now she attended the majority. He submits that applicant requires the amount for her day-to-day expenses. He submits

that the applicant lost their sole bread winner of the family in the accident which occurred on 24.12.2005.

4 On the other hand, the learned counsel for the appellant insurance company vehemently opposed the present Civil Application. He submits that if applicant is allowed to withdraw the amount without furnishing any security, it will be very difficult for them to recover the said amount from them, if appellant succeed in the First Appeal.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant is entitled to withdraw sum of Rs.1,00,000/- by furnishing solvent security to the satisfaction of the Trial Court.

6 Hence, the following order.

- a) Civil Application is allowed.
- b) Applicant is permitted to withdraw sum of Rs.1,00,000/- by furnishing solvent security to the satisfaction of the Trial Court.
- c) Civil Application is disposed of accordingly.

(K.K.TATED, J.)