

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

919 CIVIL APPLICATION NO. 8854 OF 2016
IN FAST/34270/2014 WITH CA/10792/2015 IN
FAST/34270/2014

SUSHILABAI MANGALPRASAD MISHRA AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD.

...
Advocate for Applicants : Mr. Patil Shrikant S.
Mr. A B Kadethankar, Adv. For R/sole

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CORAM : P.R. BORA, J.
Dated: August 25, 2016

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PER COURT :-

1) Heard. Considering the contentions raised in the application for withdrawal of amount and the objections raised by the insurance company in the memo of appeal in exception to the Award, I deem it appropriate to pass the following order, -

ORDER

i) The applicants 1 to 4 are permitted to withdraw 70% of the amount falling to their share on submitting an undertaking before the Motor Accident Claims Tribunal, Dhule, that in the event any adverse order is passed against them in the appeal, they will re-deposit the amount within four months of passing such order;

ii) The Balance 30% amount, which is falling to the share of applicant No.5, be invested in a Fixed

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Deposit Receipts in any Nationalized Bank, initially for a period of three years and to be renewed if so required till disposal of the appeal.

iii) The amount which is payable to applicant Nos. 1 to 4, vide the present order, be transmitted to Motor Accident Claims Tribunal, Dhule, so as to facilitate withdrawal of the said amount by applicant Nos. 1 to 4.

iii) The Civil Application for withdrawal of the amount is disposed of.

. In CA No.10792/2015, returnable date for serving notice on unserved respondent No.6 is extended by four weeks.

(P.R. BORA, J.)

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