

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.4476/2016

922 CIVIL APPLICATION NO. 4476 OF 2016
IN
FAST/26897/2015

RADHA YOGESH GAME AND OTHERS
VERSUS
SOMNATH TUKARAM BHUTE AND ANR

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Advocate for Applicants : Mr. Shaikh Mazhar A. Jahagirdar
Mr.S G Chapalgaonkar, Adv., for R/2.

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CORAM :P.R.BORA, J.
Dated: April 05, 2016

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PER COURT :-

1. The original claimants have filed the present application seeking withdrawal of the amount which has been deposited by the appellant Insurance Company in pursuance to the directions issued by this Court.

2. It is informed that the Insurance Company has deposited a sum of Rs.25,92,025/- in this Court. Learned Counsel appearing for the Insurance company has resisted the prayer on the ground that the Insurance Company has disputed the very involvement of the vehicle in the alleged accident. Learned Counsel appearing for original claimants, however, invited my attention to the spot panchnama carried out in the present case, which primarily shows the involvement of the vehicle i.e. Tata Maximo. However, considering the defense so raised by the appellant Insurance Company, it appears to me that the ends of justice would be met if the applicants are permitted to withdraw a sum of Rs.15,00,000/- (Rs. fifteen

AGP/-

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lacs). Hence, following order:

ORDER

- a) The application is partly allowed.
- b) The applicants / original claimants are permitted to withdraw a sum of Rs.15,00,000/- (Rs. fifteen lacs) on submitting an undertaking that in the event any adverse order is passed against them, they will re-deposit the amount withdrawn by them within four months after passing of such order.
- c) The balance amount be invested in any nationalized Bank till final decision in the appeal.

(P.R.BORA, J.)

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