

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.4475/2016

**929 CIVIL APPLICATION NO. 4475/2016 IN
FAST/33525/2015**

VIMAL BABASAHEB HULGUNDE AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. THR ITS MANAGER
(LEGAL HUB),

...
Advocate for Applicant : Mr.Aghav Avinash D.
Advocate for respondent no.1: Mr. M.M.Ambhore

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

...
PER COURT :-

1. The original claimants have sought withdrawal of the amount deposited by the appellant Insurance Company in this Court by filing the present application. Learned Counsel appearing for the appellant Insurance Company has opposed for permitting such withdrawal. Learned Counsel submitted that the Insurance Company has disputed its very liability to pay any compensation in the present matter. Learned Counsel further submitted that the Insurance Company had also raised a defense of contributory negligence of the deceased, however, that has also not been appropriately considered by the learned Tribunal.

2. After having considered the submissions advanced by the learned Counsel appearing for the respective parties, it appears to me that it would meet the ends of justice if the applicants are, at present, permitted to withdraw a sum of

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.4475/2016

Rs.10,00,000/- (Rs. ten 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submitting an undertaking that in the event any adverse order is passed against them, they will re-deposit the amount withdrawn by them within two months of passing such order.

Application stands disposed of in above terms.

(P.R.BORA, J.)

...