

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

**CIVIL APPLICATION NO. 4997 OF 2016
IN
FIRST APPEAL NO. 3457 OF 2015**

Shantabai Arun Wayal and others ...APPLICANTS

versus

New India Assurance Co. Ltd.
Through its Manager Legal Hub and others ...RESPONDENTS

.....
Mr. V.P. Golewar, Advocate for applicants
Mr. M.M.. Ambore, Advocate for respondent no. 1
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 15th APRIL, 2016.

Order :-

1. Heard Mr. Golewar, learned counsel for the applicants and Mr Ambhore, learned counsel for respondent No. 1.
2. Mr. Ambhore, learned counsel opposes the application on the ground that two vehicles were involved in the accident. Even as per the case of claimants, the owner and insurer of other vehicle are not made party as there was no proof of the income and ownership of the vehicle, the vehicle insured by his insurance company is involved after two days of the accident.
3. Considering the claim made and award passed by the Tribunal, we pass the following order:-

- (i) The applicants No.1, 2 and 3 are allowed to withdraw 40% of the amount deposited on furnishing

undertaking to the court that in case the applicants are directed to deposit the amount they shall deposit the same within a period of one month from the date of decision in appeal.

- (ii) Applicants No. 1, 2 and 3 are further allowed to withdraw 20% of the amount deposited on furnishing security/surety of like amount.
- (iii) Remaining amount be kept in fixed deposit in any Nationalized Bank.

4. Civil application stands disposed of.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

MTK