

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CIVIL APPLICATION NO. 8725 OF 2016
IN FA/2615/2016

SANKET SANDIP SHINDE AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. AND OTHERS

...

Advocate for Applicants : Mr. H. D. Deshmukh.

Advocate for Respondent No.1 : Mr. A. B. Gatne.

Advocate for Respondent No.2 : Mr. N. B. Narwade.

...

CORAM : **P. R. BORA, J.**

DATE : 08th August, 2016.

P.C.:

. Heard the learned counsel for the Applicants and the learned counsel for Respondent / Insurance Company.

2 The Applicants are seeking withdrawal of the entire amount of their share deposited in this Court by the Appellant / Insurance Company. The learned counsel for the Insurance Company has opposed for permitting any withdrawal stating that the very liability of the Insurance Company is disputed by it. The learned counsel submitted that having regard to the fact in the present case, no liability can be fastened on the Insurance Company.

3 After having perused the contents of the application for

withdrawal of the amount and considering the submissions made by the learned counsel and more particularly the objections raised in the memo of appeal in exception to the impugned award, I deem it appropriate to pass the following order :

ORDER

- I. The Applicants are permitted, at present, to withdraw a sum of Rs.3,00,000/- (Rupees Three Lacs Only) on submitting surety in the like amount.
- II. Civil application stands disposed of.

[P. R. BORA, J.]

ndm