

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

27 CIVIL APPLICATION NO. 2780 OF 2016
IN FA/1416/2009

MANIKRAO SAHANKARRAO KALE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO LTD. AND OTHERS

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Advocate for Applicants : Mr. Salunke V.D.
Mr. VR Mundada, Adv. For Resp.No.1;
Mr. S G Chapalgaonkar, Adv. For R/2.

CORAM : P.R.BORA, J.

DATE : 1st April, 2016.

PER COURT :

1) By this application the applicants are seeking withdrawal of the amount of Rs. 2,00,000/- out of the amount deposited by the appellant/insurance company in this Court in the name of Mayuri D/o Sambhaji Kale – applicant No.3.

2) The learned Counsel for applicant submitted that marriage of Mayuri is fixed and is scheduled to take place on 1st May, 2016. The learned Counsel submitted that the applicants are

in dire need of money so as to perform marriage of applicant Nos. 3.

3) Learned Counsel appearing for the insurance company has strongly opposed for granting any further withdrawal. The learned counsel submitted that the applicants have already been permitted to withdraw an amount of Rs.1,75,000/-. The learned Counsel submitted that the learned Tribunal has passed the Award apparently on higher side assuming as if the claimant had suffered death because of the accidental injuries.

4) Having considered the submissions advanced by the parties, it appears to me that it may not be just and appropriate to allow the applicants to withdraw an amount of Rs.2,00,000/- as prayed by them having regard to the defence raised by the insurance company. It further appears to me that ends of justice can be met if the applicants are permitted to withdraw sum of

Rs.50,000/- on furnishing an undertaking that in the event of any adverse order passed against them, they will deposit the said amount within four weeks after passing of the said order. Hence, the following order, -

ORDER

- i) The application is allowed;
- ii) The applicants are permitted to withdraw Rs.50,000/- on their furnishing an undertaking in the terms as mentioned in Para 4 above.
- iii) A cheque of the aforesaid amount be issued in the name of applicant No. 3 - Mayuri.
- iv) Civil Application stands disposed of.

(P.R.BORA)
JUDGE

bdv/