

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

CIVIL APPLICATION NO. 3853 OF 2017
IN FA/2455/2016

SWATI BHARAT MHASKE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. AND ANR

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Advocate for Applicants : Shri Narwade Narayan B..
Advocate for Respondents : Shri A. S. Usmanpurkar For R/1 and Shri A.S.
Gandhi for R/3 & 4.

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CORAM: V.K. JADHAV, J.

DATE :- 07th April, 2017.

Per Court:

- 1 Heard both the sides.
- 2 The learned counsel for the Applicants submits that the Respondent/ Insurer has challenged the judgment and award passed by the Tribunal only to the extent of negligence and quantum.
- 3 In view of the above and the fact that the bread winner of the family met with an accidental death and the Applicants were entirely depending on his income, the Applicants are permitted to withdraw 50% of the amount deposited in this Court on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- 4 The office to issue two cross cheques, one in favour of the

Applicant Nos.1 and 2 and another one in favour of the Applicant Nos.3 and 4.

5 The Civil Application is allowed and accordingly, disposed of.

(V.K. JADHAV, J.)

KPS.