

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO. 415 OF 2017
IN FA/3213/2016

SWAROOPA NITIN CHITLANGE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. AND ORS.

...
Advocate for Appellant : Bhandari Anand P.
Advocate for Respondents : Ambhore M.m.
...

CORAM : V.K. JADHAV, J.
DATE : 13-01-2017.

P.C. :

1. Heard both the sides. Learned counsel for the applicant submits that in para 4 of the operative order the learned Member of the Tribunal has directed to deposit an amount of Rupees Eleven Lakhs each in the name of respondent nos. 1 and 3. herein in any nationalised bank and further directed that, the remaining amount be distributed equally amongst them.

2. Learned counsel submits that, this court by order dated 14.12.2016 has, however, permitted the applicants to withdraw an amount of Rupees Thirty Five Lakhs (remaining amount as directed by the tribunal) on submitting an undertaking. Learned counsel submits that the prayer in civil application is also to the effect that the applicant nos. 1 and 3 (respondent nos. 1 and 3 in appeal) be permitted to withdraw Rupees Thirty Five Lakhs i.e. Rs. 17,50,000/- each. Learned counsel for the respondent-insurer has no objection

if the order dated 14.12.2016 is corrected to the effect.

3. In view of the above submission, the order dated 14.12.2016 is modified to the effect that applicant nos. 1 and 3 are permitted to withdraw Rupees Thirty Five Lakhs in equal shares on submitting an undertaking as directed by this court in the order dated 14.12.2016. Civil application is accordingly disposed of.

(V.K. JADHAV)
JUDGE

mub