

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

992 CIVIL APPLICATION NO. 8198 OF 2017
IN FA/891/2013

ANITA DHANJAY KAPSE AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. THR ITS SENIOR DIV.
MANAGER, AURANGABAD AND ANR

...
Advocate for Applicants : Mr. Gandhi Amol S.
Advocate for Respondent No.1 : Mr. D.P. Deshpande
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CORAM : V. K. JADHAV, J.
DATED : 23rd JUNE, 2017

PER COURT:-

1. Heard both sides.
2. Learned counsel for the applicants submits that deceased was driver by occupation and he met with an accidental death. The applicants original claimants were depending on his income entirely and they have no independent source of income. The applicants, therefore, are not in a position to furnish the surety for withdrawal of the amount, as directed by this court. The applicants are ready to furnish undertaking.
3. Learned counsel for the respondents-insurer has strongly resisted the application on the ground that this court has passed reasoned order and accordingly directed to furnish the solvent surety

for withdrawal of the amount.

4. In view of above submission and for the reasons stated in the application, the applicants are permitted to withdraw 50% amount out of the amount deposited before this Court on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court. The order dated 14.2.2014 is modified accordingly. Civil application is disposed of.

(V. K. JADHAV, J.)

rlj/