

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

28 CIVIL APPLICATION NO.7317/2017 IN FA/1133/2011

MINA HARIBHAU KHAIRE AND ORS LTD.

VERSUS

NEW INDIA ASSURANCE CO. THROUGH ITS AUTHORIZED
SIGNATORY, SANJIV R. GAISMURDE, AURANGABAD

...

Advocate for Applicants : Mr. Ashiwin V. Hon
Advocate for Respondent: Mr. Deshpande Dhananjay P.

CORAM : K. L. WADANE, J.

DATE : 9th October, 2017

ORDER:

1. Heard learned counsel for the applicants as well as learned counsel for the respondent Insurance company.

2. This is an application filed by the applicants claimants for withdrawal of the amount of compensation deposited by the insurance company in this Court.

3. The learned counsel appearing for the respondent insurance company has opposed the application on the ground that question of liability is in dispute in reference to the validity of the driving licence of the driver of the vehicles involved in the accident. At present, the award is in favour of the applicants/claimants.

4. In view of the above, I am of the opinion that

at least 50% of the amount deposited in the court can be permitted to withdrawn.

5. The applicants are allowed to withdraw 50% of the amount deposited in this Court together with proportionate interest accrued thereon on furnishing undertaking that in the event of adverse order passed in the appeal, they will redeposit the entire amount so withdrawn within a period of 12 weeks.

6. Civil Application disposed of.

(K. L. WADANE, J.)

JPC