

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

928 CIVIL APPLICATION NO. 14025 OF 2016
IN FAST/6868/2016 WITH CA/4046/2016 IN FAST/6868/2016

PRAVINBI ISAK SHAH AND ORS
VERSUS
THE RELIANCE GENERAL INSURANCE CO. LTD. THR MANAGER
AND ORS

...
Advocate for Applicants : Mr. Madhav M. Bhokarikar.
Advocate for Respondent No.1 : Mr.R. H. Dahat.
Advocate for Respondent No.2 : Mr. Vijay B Patil.
...

CORAM : K.K. SONAWANE, J.

DATED : 01ST SEPTEMBER, 2017.

ORDER :-

Heard learned counsel for the applicant and learned counsel for respondent – Insurance Company. Perused the application.

2. The applicants seek permission to withdraw the amount deposited by the respondent – Insurance Company towards compensation arising from the vehicular accident.

3. The learned counsel for the respondent Insurance Company raised objection and submits that, there is an every hope of success in appeal, and in case, the amount is disubursed in favour of applicants-original claimants, it would difficult to recover the amount, in case, the decision of the appeal in its favour. Hence, learned counsel has prayed for rejection of application.

4. However, in view of reasons mentioned in the application and in the nature of subject matter, I find it justifiable to allow the applicants to withdraw atleast 50 % of the amount deposited on behalf of the respondent-Insurance Company in this case.

5. Hence, application stands allowed. The applicant No.1 Smt. Parvinbi Isak Shah is hereby allowed to withdraw Rs.3,00,000/- (Rs.Three Lac Only) from the amount deposited on behalf of respondent - Insurance Company in this case. The applicant No.4 Sou. Meharajbi Akbar Shah and applicant No.5 Akbar Shah Haidharshah, both are entitled to get Rs.65,000/- (Rs. Sixty Five Thousand Only) each from the amount deposited by the respondent-Insurance Company in this case. Moreover, the amount of Rs.2,00,000/- (Rs. Two Lac Only) be kept in Fixed Deposit Receipt Account in the name of applicant No.2 Aijaj Shah Isak Shah (minor) and applicant No.3 Ku. Minajbi Isak Shah (minor) till the attaining age of majority. The applicants No. 1, 4 and 5 to furnish undertakings to the satisfaction of the Registrar (Judicial) of this Court to the effect that, in case, adverse situation arises after decision of appeal, they would repay the amount within stipulated period as directed by this Court. The applicant No.1 shall file undertaking on behalf of herself and also minor children i.e. applicants No. 2 and 3.

6. Accordingly, the Registrar (Judicial) of this Court to do the needful for disbursement of the amount as mentioned above in favour of applicants on their proper identification. Rest of 50 % amount deposited by respondent-Insurance Company in this appeal be kept in Fixed Deposit Receipt Account in any Nationalized Bank for further period of two years or till decision of appeal on merit, whichever is earlier.

7. In above terms application stands disposed of.

Sd./-

[K. K. SONAWANE]
JUDGE

rrd.