

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

**CIVIL APPLICATION NO. 10116 OF 2017  
IN  
FIRST APPEAL NO. 3040 of 2016**

Sharda Radhakishan Survase and others                      ...APPLICANTS

versus

The United India Insurance Col Ltd.  
Through its Dy Manager and others                      ...RESPONDENTS

.....

Mr. R.P. Survase, Advocate for applicants  
Mr. S.S. Rathi, Advocate for respondent No. 1  
Mr. M.P. Tripathi, Advocate for respondents No.2 and 3.

.....  
**CORAM : K.K. SONAWANE, J.**

**DATED : 31<sup>st</sup> AUGUST, 2017.**

**Order :-**

1. Heard learned counsel for the applicants and respondent -Insurance Company. None appears for respondent Nos. 2 and 3.
2. The respondent -Insurance company has deposited amount of Rs. 23,83,304/- in this Court towards compensation amount awarded by the learned Tribunal. Considering the nature of subject-matter, there is no impediment to allow the applicants - original claimants to withdraw 50% amount deposited in this Court. Definitely, it would subserve the purpose pending first appeal. Hence, the applicants-original claimants are allowed to withdraw in all Rs. 12,00,000/- (Rupees Twelve Lakhs) from the amount deposited in this Court on behalf of respondent- Insurance Company subject to condition that applicants shall furnish undertaking to the satisfaction of the Registrar(Judicial) of this Court to the effect that incase of any adverse situation arises, in

future, after adjudication of the appeal on merits, they will refund the amount, within stipulated period as directed by this Court. Rest of the amount be deposited in the Fixed Deposit Receipts for a period of two years or upto adjudication of the appeal on merits, whichever is earlier. The Registrar to make payment to the applicant on their proper identification as per rules.

3. Civil Application is allowed in aforesaid terms and disposed of accordingly.

**[ K. K. SONAWANE ]**  
**JUDGE**

MTK