

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10243 OF 2017
IN
FIRST APPEAL NO. 1131 OF 2012

Mushtaq Khamroddin Mulla & Ors.

Applicants

V E R S U S

The New India Assurance Co. Ltd.,
through its Div. Manager,
Aurangabad & Ors.

Respondents

Smt. A.N. Ansari, Advocate for the Applicants
Mr. S.G. Chapalgaonkar, Advocate for Respondent No.1
Learned counsel for Respondent No.2 - Absent
Mr. R.P. Adgaonkar, Advocate for Respondent No.3

CORAM : K.K. SONAWANE, J.

DATE : 18TH AUGUST, 2017

PER COURT :

1. Leave to amend.
2. Heard learned counsel for the applicants and learned counsel for respondent Nos.1 and 3. Learned counsel for respondent No.2 remained absent.

3. Perused the application and order passed by this Court dated 17th July, 2012 in Civil Application No. 7629 of 2012. This Court under order dated 17th July, 2012, allowed the applicants to receive 50% amount without security. Applicant Nos.4 and 5 were minor at the time of passing of said order, and therefore, liberty was granted to move an application for withdrawal of the amount on attaining majority. Accordingly, learned counsel for the applicants urged that applicant Nos.4 and 5 have attained the age of majority and they may be permitted to withdraw the amount allotted to their share. Learned counsel for respondent No.1 – Insurance Company and respondent No.3 – owner of the offending vehicle have no objection for the same.

4. In such circumstances, applicant Nos.4 and 5 are allowed to withdraw their respective shares of compensation amount deposited in this Court. Applicant No.4 is allowed to withdraw Rs.25,000/- (Rupees Twenty Five Thousand) and applicant No.5 is allowed to withdraw Rs.45,000/- (Rupees Forty Five Thousand) as a

part payment of deposited amount. Accordingly,
application stands disposed of.

(**K.K. SONAWANE, J.**)

SRM/18/8/17