

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

CA/12822/2016 IN FA/1862/2014

KAVITA RAJARAM GAIKWAD AND OTHERS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD

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Advocate for Applicant : Mr Y B Bolkar
Advocate for Respondent : Mr Chapalgaonkar S.G

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CORAM : V.K. JADHAV, J.

Dated: January 10, 2017

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PER COURT :-

1. Heard learned counsel for the applicants and learned counsel for respondent insurer.
2. Learned counsel for the applicants submits that, the applicant no.1 is widow and applicants no. 2 and 3 are the minor claimants and bread earner of the family met with the accidental death way back in the year 2007. The applicants are having no independent source of income.
3. Learned counsel for respondent insurer has strongly resisted the application, however, in the alternate, submits that, the applicants may be

permitted to withdraw 50% of the amount on furnishing solvent surety. In view of the above submissions, and for the reasons stated in the application, the applicants are permitted to withdraw 50% of the amount deposited before this Court on following conditions :-

a] The applicants shall furnish undertaking to the extent of withdrawal of 25% of the aforesaid amount and shall furnish solvent surety to the extent of 25% amount.

B] Remaining amount be kept in Fixed Deposit Receipts in any Nationalized Bank initially for a period of three years and be renewed subsequent thereto as per orders of this court.

4. Civil Application accordingly disposed of.

(V.K. JADHAV, J.)

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aaa/-