

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

941 CIVIL APPLICATION NO. 12427 OF 2017
IN FA/2069/2008

KAMALBAI KAUTIK PANDIT AND ORS
VERSUS
SOMNATH LAXMAN GHADGE AND ORS

...
Advocate for Applicants : Mrs. Vaishali Shinde (More)
Advocate for Respondent No. 3 : Mr. V.N. Uphadye
...

CORAM : K.K. SONAWANE, J.

DATED : 05TH OCTOBER, 2017.

Order :-

1. Heard learned counsel for the applicant and respondent-Insurance Company.
2. This Court under order dated 19-01-2009 allowed the applicant to withdraw the amount of compensation deposited in this appeal. It has also been observed that at the relevant time, applicants No. 2 to 4 were minors, therefore their shares in the compensation amount to the tune of Rs. 1,50,000/-each was ordered to be invested in the FDRs account in any Nationalized Bank.
3. At this juncture, learned counsel for the applicants submits that applicant No. 2 Kum. Sangita d/o Kautik Pandit and applicant No. 3 Sachin Kautik Pandit have already attained the age of majority. The extract of documents of Adhar Cards showing date of birth of the applicants are already filed on record. Today, photo copy of Adhar Card of applicant No. 3- Sachin Kautik Pandit is placed on record. The same is marked as "X" for identification purpose. Therefore, learned counsel prays to

permit applicant No. 2-Kum. Sangita d/o Kautik Pandit and applicant No. 3-Sachin Kautik Pandit to withdraw the amount which are invested in Natonalized Bank pursuant to order of this Court dated 19-01-2009. 4.

4. In view of submission advanced on behalf of learned counsel for applicants as well as extract of Adhar Cards produced on record, it appears that applicant No. 2- Kum. Sangita d/o Kautik Pandit and applicant No. 3-Sachin Kautik Pandit have attained the age of majority. Therefore, there is no impediment to allow them to withdraw their shares which are already kept in FDRs account in Nationalized Bank.

5. In the light of above, the application is partly allowed, Applicant No. 2-Kum. Sangita d/o Kautik Pandit and applicant No.3-Sachin Kautik Pandit are permitted to withdraw their respective shares of Rs.1,50,000/- each kept in the FDRs account in Nationalized Bank along with interest, if any, accrued thereon subject to condition that applicant Nos. 2 and 3 shall furnish undertaking to the effect that, in case adverse situation arises, in the appeal they would refund the amount within stipulated period as per directions of this Court. The Registry to take requisite steps for disbursement of the amount in favour of applicants No. 2 and 3 as referred above .

5. The civil application is allowed in above terms and stands disposed of.

Sd/-
[K. K. SONAWANE]
JUDGE

mtk.