

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

**64 CIVIL APPLICATION No. 13685/2017
IN AND WITH FA/2069/2008**

KAMALBAI KAUTIK PANDIT AND ORS
VERSUS
NEW INDIA ASSURANCE CO LTD.

Advocate for applicant : Mrs. V.A. Shinde (More)
Advocate for respondent No. 3 : Mr. V N Upadhye

CORAM : K.K. SONAWANE, J.

DATED : 13th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for applicants and learned counsel for respondent No. 3-New India Assurance Company.
2. Perused the application. For the reasons stated in the application, there is no impediment to allow the same. Accordingly, application is allowed in terms of prayer clause "B". Applicant No. 1 is hereby allowed to withdraw the amount by furnishing undertaking as directed by this Court under order dated 5th October, 2017 on behalf of mentally retarded applicant No. 2. Registry to take requisite steps for further process and allow the applicant No. 1 to furnish undertaking for withdrawal of amount on behalf of applicant No. 2 on account of her mental illness.
3. Accordingly, civil application stands disposed of.
4. List the first appeal for final hearing on merit on 12th December, 2017.

Sd/-

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

MTK