

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

CIVIL APPLICATION NO. 14455 OF 2017
IN FAST/38598/2016

ANANTLAXMI RAM GABALE AND OTHERS
VERSUS
ICICI LOMBARD GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, LATUR AND OTHERS

...
Advocate for Applicants : Mr. R. S. Shinde.
Advocate for Respondent No.1 : Mr. S. S. Patil
...

CORAM : K.K. SONAWANE, J.

DATED : 05TH DECEMBER, 2017.

Order :-

Heard learned counsel for the applicants-original claimants and the learned counsel for respondent/appellant- Insurance Company. Perused the application.

2. The present application is filed on behalf of applicants for withdrawal of compensation amount deposited in this Court on behalf of respondent- Insurance Company. The issue raised in appeal is in regard to contributory negligence on the part of drivers of both vehicle. In such circumstances, there would not be any impediment to allow the applicants for withdrawal atleast 50 % of the amount deposited in this Court on furnishing requisite undertaking. Hence, application stands allowed partly.

3. The applicants are allowed to be withdrawn total sum of Rs.5,00,000/- from the amount deposited in this Court on behalf of respondent/appellant- Insurance Company on furnishing undertaking to the effect that in case adverse situation, if any, arises after adjudication of the appeal on merit, the applicants will refund the amount forthwith as per order of this Court. Out of total sum of Rs.5,00,000/-, amount of Rs.3,00,000/- (Rs. Three Lac Only) be paid to applicant No.1 Anantlaxmi wd/o. Ram Gabale and Rs.1,00,000/-

(Rs. One Lac Only) each be paid to applicant No. 2 Shrikant S/o. Ram Gabale and applicant No.3 Swati d/o. Ram Gabale, who are son and daughter of deceased Ram Gabale.

4. Registry to do the needful for disbursement of the amount as mentioned above. Rest of the balance amount deposited in this matter be invested in the Fixed Deposit Receipts Account in any Nationalized Bank for a period of two years or till final adjudication of the appeal on merit.

5. Accordingly, Civil Application in above terms stands disposed of.

[K. K. SONAWANE]
JUDGE

rrd.