

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

922 CIVIL APPLICATION NO. 15289 OF 2017 IN CA/488/2017
IN FAST/33868/2016

ASHA SUGRIV NARSINGE AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY AURANGABAD

...
Advocate for Applicants : Mr. Manoj Shinde h/f Mr. Sachin S. Panale
Advocate for Respondent No. 1 : Mr. Sayali Tekale
...

CORAM : K.K. SONAWANE, J.

DATED : 19th DECEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants and respondent No. 1 - Insurance Company in present Civil Application. None appears for rest of the respondents.

2. Perused the application. The applicants moved application No. 488 of 2017 seeking permission to withdraw the decretal amount deposited in this Court. After hearing, this Court allowed the applicants to withdraw 40% of the amount deposited in this Court on furnishing solvent surety and rest of the 60% amount was directed to be invested in FDRs account.

3. Learned counsel fervidly contends that this Court while passing the order mentioned that the applicants are permitted to withdraw 40% of the amount deposited in this Court. He pointed out that applicant No. 3 Sudam Shankar Narsinge though was shown in the array of applicants, but he was no more and therefore, he was shown dead in the application. Despite the

same the Registry of this Court is reluctant to allow the applicants for withdrawal of 40% of the amount deposited in this court. Registry of this Court seeks explanation about the circumstances that how dead persons can be allowed to withdraw his share deposited in this Court. Therefore, learned counsel prayed for modification and clarification of the impugned order for withdrawal of the amount passed by this Court in Civil Application No. 488 of 2017.

4. In view of aforesaid submission, it appears that there is confusion created by the Registry in regard to disbursement of amount deposited in this Court in favour of applicants. The applicant No. 3 Sudam was already shown as deceased in application No. 488 of 2017. In such circumstances, it is preposterous to draw the inference that this court allowed the deceased Sudam himself for withdrawal of his share in the compensation amount deposited in this court. Be that as it may, Registry is hereby directed to disburse the 40% of the amount deposited in this Court in favour of applicants No. 1, 2, 4 and 5 as directed by this Court under order in Civil Application No. 488 of 2017. Accordingly, application stands disposed of.

5. Parties to act upon authenticated copy of this order.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK.