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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 996 OF 2018
IN
FIRST APPEAL STAMP NO.15000 OF 2014

Sangita Madhav Jamhaldhare (Shinde) and Others APPLICANTS

VERSUS

Royal Sundaram Alliance Insurance Co. Ltd.& Anr RESPONDENTS

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Mr. Ganesh J, Kore, Advocate for the applicants

Mr. A. S. Deshpande, Advocate for respondent No.1

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 21st FEBRUARY, 2018

ORDER :

1. Heard learned advocates for the parties.
2. This is an application by original claimants for withdrawal of amount deposited in this court by original appellant - insurance company.
3. While considering submissions, one may have to keep at the back of the mind that bread earner of the family had been lost on whom the claimants were dependent.
4. It appears that the thrust of the appeal is on technical

hitches, which hardly can be attributable to the applicants and as referred to above, the loss coupled with consequent suffering and need of the family may be given its due regard.

5. In the circumstances, the application is allowed. The applicants are allowed to withdraw 75% of the amount deposited, on filing an undertaking to the effect that in case the appellant succeeds in the appeal, and decision is adverse to present applicants, the amount would be deposited in this court by present applicants within a period of three months from the date of decision in the first appeal. The amount of 75% so allowed to be withdrawn be disbursed equally among the claimants, however, the amount apportioned to applicant No. 2 be kept secured in fixed deposit in a nationalized bank earning interest and the interest earned over the same be spent for the upbringing and welfare of applicant No.2, until he becomes major.

6. Civil application is accordingly disposed of.

[SUNIL P. DESHMUKH, J.]

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