

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

CIVIL APPLICATION NO. 2790 OF 2018
IN
FIRST APPEAL NO. 6116 OF 2017

Smt. Sunita Gulabrao Sonawane and ors. .. Applicants
versus
National Insurance Company Ltd. .. Respondent

Mr. Shrikant Patil, Advocate, for applicants
Mr. V. S. Kulkarni, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
DATE : 27th February, 2018

ORDER :

1. Heard learned counsel for the parties.
2. This is an application moved for withdrawal of amount deposited pursuant to orders of this court.
3. Learned counsel for the applicants states that applicants are in dire need of money since their bread earner died in the accident and thus seeks withdrawal of amount.
4. Learned counsel appearing for respondent - insurance company, however, submits that having regard to section 163A of Motor Vehicles Act, liability of insurer would be limited and in such a case, request made under the application may not be acceded to.

5. However, having regard to that the applicants have lost their bread earner, I deem it expedient to allow withdrawal of fifty per cent of the amount deposited in this court subject to condition that twenty five per cent of total amount deposited may be withdrawn by applicant on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court and further twenty five per cent amount out of amount deposited shall be withdrawn by applicants on furnishing undertaking to the effect that the amount would be paid back / deposited by them in this court within a period of three months from the date of decision in the appeal, if it goes adverse to their interest.

6. It is made clear that the applicants are allowed to withdraw only fifty per cent of the total amount deposited as referred to above.

7. Civil application stands granted in aforesaid terms and is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd/-