

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

**CIVIL APPLICTION NO. 2300 OF 2018
IN
FIRST APPEAL STAMP NO. 41089 OF 2017**

Meerabai w/o. Babasaheb Rathod ... Applicant

Versus

United Indian Insurance Company Ltd.
Through Branch Manager and others ... Respondents

...
Mr. Shivaji K. Naikwade, Advocate for applicant
Mr. S. G. Chapalgaonkar, Advocate for respondent No. 1
Mr. Manoj U. Shelke, Advocate for respondents No. 2 and 3

...
CORAM : SUNIL P. DESHMUKH, J.

DATED : 6th MARCH, 2018.

Order :-

1. Heard learned counsel for the parties.
2. This application has been moved for withdrawal of the amount deposited in this court by the appellant. It is submitted that deceased was the only earning member and applicant had been absolutely dependent on the income of deceased. The accident had taken place in the year 2014. The applicant had lost her earning son. Since 2014, economic condition of applicant has been worsening and she has no source of income.
3. Learned advocate for respondent-appellant purports to resist, however, as on the date tribunal's decision is in favour of

claimant and further claimant's condition referred to above is not doubted.

4. Having regard to aforesaid, it would be expedient to allow the applicant to withdraw half of the amount from the amount deposited in this court on furnishing undertaking to the effect that the amount would be paid back / deposited by her in this court within a period of three months from the date of decision in the appeal, if it goes adverse to her interest. Undertaking to be filed within a period of five weeks from today.

5. As such, civil application is allowed. The applicant is permitted to withdraw half of the amount from the amount deposited in this court along with accrued interest thereon subject to filing undertaking as referred to above within a period of five weeks from today.

6. The civil application stands granted in above terms and is disposed of.

Sd/-
(SUNIL P. DESHMUKH)
JUDGE

MTK