

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

CIVIL APPLICATION NO. 3490 OF 2018
IN
FIRST APPEAL NO. 754 OF 2011

Meerabai w/o Walmik Patange and others .. Applicants
versus
The New India Assurance Company Ltd.
and others .. Respondents

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Mr. Estling S. Murge, Advocate for applicants
Mr. Mohit Deshmukh, Advocate h/f Mr. S. G. Chapalgaonkar,
Advocate for respondent no. 1.

CORAM : SUNIL P. DESHMUKH, J.
DATE : 9th March, 2018

ORDER :

1. This is an application for withdrawal of the amount deposited in executing court by applicants no. 3 and 4 who are now major. for withdrawal of the amount deposited in executing court.

2. Though learned counsel for appellant - insurer purports to resist withdrawal of amount sought under the application, however, one may have to take into account that while deciding earlier application, the court had referred to that even if it is a cause of contributory negligence, applicants would be entitled to compensation. While one minor on becoming major has been

allowed to withdraw the amount, it would be appropriate to accept the request under present application by other minors having now been major.

3. In view of the same, applicants no. 3 and 4 are allowed to withdraw a sum of Rs.1,00,000/- respectively each on furnishing undertaking before the motor accident claims tribunal, Osmanabad that in the event of decision in appeal going adverse to their interest, they would pay back/deposit withdrawn amount within a period of one month from the date of decision in the first appeal.

4. Undertaking as aforesaid to be furnished within a period of three weeks with copy thereof to be furnished to this court.

5. Civil application accordingly is allowed and disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd