

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

CIVIL APPLICATION NO. 7589 OF 2018
IN FAST/12900/2017

RAMKALA EKNATH SANGLE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD THR ITS AUTHORIZED
SIGNATORY RAVIKANT R. YADAV, A

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Advocate for Applicants : Mr. Amarsinha S. Kakade h/f.
Mr. Nitin K. Chaudhari.
Advocate for Respondent No.1 : Mr. M. M. Ambhore.
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CORAM : K.K. SONAWANE, J.

DATED : 22nd JUNE, 2018.

Order :-

1. Heard Mr. Kakade h/f. Mr. Choudhari, learned counsel for applicants-claimants and Mr. Ambhore, learned counsel for respondent No.1 - Insurance Company. No one else appeared on behalf of rest of the respondents. Perused the application and relevant documents.
2. In view of objection raised on behalf of respondent No.1 Insurance company in the appeal, there is no impediment to allow the applicant to withdraw at-least 75 % of the decretal amount deposited in this court. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the purpose of substantial justice. The appellant- Insurance Company has deposited entire decretal amount to the tune of Rs.15,90,441/- (Rs. Fifteen Lakhs Ninety Thousands Four Hundred Forty One Only) with accrued interest thereon.
3. In view of aforesaid circumstances, it would just and proper to allow the applicants-claimants for withdrawal lump-sum amount of Rs. 12,00,000/- (Rs. Twelve Lakhs Only) from the total sum deposited on behalf of Insurance Company in this Court. Therefore, application deserves to be allowed.

4. Accordingly, application stands allowed partly. The applicants (original claimants No. 1, 2 and 4) are permitted to withdraw the total lump sum of Rs. 12,00,000/- (Rs. Twelve Lakhs) from the amount deposited in this Court subject to condition of furnishing undertaking to the effect that applicants would refund the amount so withdrawn, in case any adverse situation arises in the appeal. It is stipulated that out of Rs. 12,00,000/- (Rs. Twelve Lakhs), the amount of Rs. 5,00,000/- (Rs. Five Lakhs) be invested in the name of minor applicant No. 2 Sumit s/o.Eknath Sangle in the Fixed Deposit Receipts account in any Nationalized Bank till attains the age of majority. The amount of Rs. 2,00,000/- (Rs. Two Lakhs) be paid to applicant No. 3 Keshavrao s/o. Abarao Sangle, father of deceased Eknath Sangle and remaining amount of Rs.5,00,000/- (Rs. Five Lakh Only) be paid to applicant No.1 Ramkala Eknath Sangle, widow of deceased.

5. However, rest of the balance amount deposited in this Court be invested in the Fixed Deposit Receipts account in any Nationalized Bank for a period of two years or till decision of the appeal, whichever is earlier with liberty to renew the same, if required. The Registry to take requisite steps for disbursement of the amount. The civil application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.