

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

**961 CIVIL APPLICATION NO. 13488 OF 2018
IN FA/2707/2016 WITH CA/9997/2016 IN FA/2707/2016**

**ASARABAI RAMA VIGHNE
VERSUS
ASHOK SESRAO DHAKANE AND ANR**

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Advocate for Applicant : Shri Rajendra B. Dhakane;
Advocate for Respondent No.2 : Shri S. G. Chapalgaonkar.

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CORAM : P.R. BORA, J.
Dated: October 31, 2018

PER COURT :

1. Heard Shri Dhakne the learned Counsel appearing for the applicant. The learned Counsel submitted that, previously in Civil Application No.10653 of 2017 this court (**Coram : K.K. Sonawane, J.**) vide order passed on 15.11.2017 permitted only applicant no.1 i.e. widow of the deceased to withdraw the amount of Rs.3,00,000/- from the amount deposited by the Insurance Company. The learned Counsel further submitted that, the present application is filed seeking withdrawal of the amount by the mother of the deceased. The learned Counsel submitted that, since mother has not received anything, the application deserves to be allowed.

2. The application is opposed by the learned Counsel appearing for the Insurance Company. The learned Counsel pointed out that, in the earlier order this Court has considered the defence raised by the Insurance Company and only thereupon some amount was permitted to be withdrawn. The learned Counsel further submitted that, the previous application was filed by all the claimants including the claimant in present application, however the Court find it expedient to permit the withdrawal of only Rs.3,00,000/- by applicant no.1. The learned Counsel, therefore, prayed for rejecting the application.

3. In view of the fact that, in the earlier application the present applicant was also one of the applicant, no further orders can be passed in view of the finding recorded by this Court in the aforesaid order. Civil Application for withdrawal of amount, therefore, stands rejected.

(PR. BORA, J.)

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