

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

**11 CIVIL APPLICATION NO. 10835 OF 2018
IN FA/861/2018 WITH CA/10836/2018 IN FA/1036/2017
WITH CA/12515/2018 IN FA/861/2018 WITH
CA/12516/2018 IN FA/1036/2017**

**VAISHALI NARENDRA SHARMA AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. THR ITS DIV.
MANAGERSURYAKANT SAHEBRAO MAKHARE**

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Advocate for Applicants : Mr. Nimbalkar Aniruddha A

Advocate for Respondent No.1 : Mr. S.S. Rathi

Advocate for Respondent No.7 : Mr. S.S.

Chapalgaonkar h/f Mr. S. P. Chapalgonkar

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CORAM : P.R. BORA, J.

DATED : 08th OCTOBER, 2018.

PER COURT:-

. Heard the learned counsel appearing for the respective parties and the learned counsel appearing for the respondent-insurance company.

2. In view of the submissions made and on perusal of the impugned judgment, I deem it appropriate to pass the following order:

ORDER

- i) The claimants are permitted to withdraw 75% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar of this Court.

(2)

- ii) 75% of the amount permitted to be withdrawn shall be paid to original claimants no. 1 to 3 i.e. widow and children and 25% shall be paid to original claimant no.5.
- ii) Balance 25% of the total amount be invested in Fixed Deposit Receipt in any nationalized bank, initially for a period of one year and if so required, for the further period till disposal of the appeal.
- iii) Civil Applications for withdrawal of amount stand disposed of.

3. Having regard to the objections raised in exception to the impugned judgment, both the appeals deserve to be admitted.

4. Admit. On admission, the respective counsel waives service for the said respondents. Print dispensed with.

(P.R. BORA, J.)