

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

**980 CIVIL APPLICATION NO. 12891 OF 2018
IN FA/3110/2018**

VIDYA RAJU WAGH AND ORS
VERSUS
VILAS ZUMBAR SASANE AND ORS

...
Advocate for Applicants : Shri Girish S. Rane
Advocate for Respondent No.2 : Shri S.S.Dargad h/f.
Shri S.G.Chapalgoankar
...

CORAM : P.R.BORA, J.

DATE: 16th October, 2018

PER COURT:-

1 Heard learned Counsel for the applicants and learned Counsel appearing for respondent No.2 - Insurance Company.

2 It is brought to my notice that liability to the extent of Rs.37,10,660/- has been admitted by the respondent Insurance Company. As against the said amount, the Insurance Company has deposited alongwith interest on the said amount, a sum of Rs.44,76,551/-. Against the disputed amount, the Insurance Company has deposited a sum of Rs.20,87,295/- in this Court.

3 The applicant is seeking withdrawal of the entire admitted amount and 50% of the disputed amount.

4 Learned Counsel for the respondent Insurance Company though, has conceded for withdrawal of admitted amount, has objected for withdrawal of any amount from the disputed amount.

5 Learned Counsel for the applicants brought to my notice that all the applicants are now become major.

6 In view of the submissions so made, the following order is passed:-

ORDER

I) The applicants are permitted to withdraw admitted amount of Rs.44,76,551/- (Rs.Fourty four lakhs seventy six thousand five hundred and fifty one only).

II) So far as the disputed amount is concerned, the request for withdrawal can be considered at some later stage.

III) Civil Application No.12891 of 2018, thus, stands partly allowed and disposed of.

IV) The disbursement of the amount shall be in the proportion as indicated in the impugned award.

(P.R.BORA)
JUDGE