

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

948 CIVIL APPLICATION NO.13465 OF 2018
IN FAST/429/2018 WITH CA/2133/2018 IN FAST/429/2018
WITH CA/2134/2018 IN FAST/429/2018

ASHWINI MANOJ SARNAIK AND ORS

.. Applicants

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO.
LTD., THR ITS MANAGER, AURANGABAD
AND ANR

..Respondents

...

Advocate for Applicants : Shri P.C. Mayure;
Advocate for Respondent No.1 : Shri A.G. Choudhari.

...

CORAM : PR. BORA, J.

Dated: October 31, 2018

PER COURT :

1. Heard Shri Mayure the learned Counsel appearing for the applicants and Shri Choudhari the learned Counsel appearing for the respondent – Insurance Company.

2. The learned Counsel for the applicants invited my attention to the order passed by this Court (**Coram : Sunil P. Deshmukh, J.**) on 27.04.2018. Vide the aforesaid order, the Court has permitted applicant no.1 namely Ashwini Manoj Sarnaik to withdraw 50% of the amount in terms of the Award passed. The learned Counsel submitted that, applicant no.1

could not withdraw the amount as was permitted by this Court for the reason that, the amount of Rs.13,00,000/- is invested in Fixed Deposit Receipt in her name. Vide the present application, applicant no.1 has sought withdrawal of the said amount, which is invested in Fixed Deposit Receipt. The learned Counsel for the Insurance Company has submitted for passing appropriate orders in view of the order passed by this Court on 27.04.2018.

3. As per the Award passed by the Tribunal, applicant no.1 is entitled for the total compensation of Rs.24,85,192/-. The Insurance Company has deposited the said amount along with the interest accrued thereon. As per the order passed by this Court on 27.04.2018, applicant no.1 was permitted to withdraw 50% of the said amount. As submitted by applicant no.1, she has till date withdrawn only Rs.2,76,064/-. She is entitled to withdraw the remaining amount. Hence the following order.

ORDER

(i) Applicant No.1 namely Ashwini Manoj Sarnaik is permitted to withdraw the remaining amount of her share to the extent of 50% as directed by this Court on 27.04.2018 by

effecting pre-mature withdrawal of Fixed Deposit Receipt in her name.

(ii) Civil Application stands disposed of.

(PR. BORA, J.)

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