

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

11 CIVIL APPLICATION NO.9518 of 2018 IN FAST/17252/2014

**RANJANA BABASAHEB GONDKAR AND ORS
VERSUS
THE NATIONAL INSURANCE CO. LTD., AND ANR**

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Advocate for Applicants : Shardul S Dev.
Advocate for Respondent No. 1 : A. B. Kadethankar

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CORAM : V.L. ACHLIYA, J.

DATED : 30th JULY, 2018

PER COURT:-

1. The applicants have moved this application seeking withdrawal of amount deposited by respondent/ appellant -Insurance company.
2. Heard learned counsel for the applicants and learned counsel for respondent/appellant-Insurance Company. Perused the impugned award passed by the Tribunal.
3. Learned counsel for the respondent-appellant- Insurance Company submits that the appellant has good case to succeed in the appeal and in case the applicants are permitted to withdraw the amount, it will be difficult to recover the amount.
4. Considering the submissions advanced, I am of the view that passing of following order would meet the ends of justice.

ORDER

[i] Subject to final out-come of the Appeal, the applicants are permitted to withdraw amount of Rs. 3 Lakhs from the amount deposited by the appellant – Insurance Company on furnishing under taking to the satisfaction of the Registrar (J) that in the event, the appeal is allowed or award is modified, they will deposit the amount within 12 weeks from the date of order.

[ii] Out of Rs. 3 Lakhs allowed to be withdrawn, the amount of Rs. 2 Lakhs be transfered in the account of applicant No.1 and the amount of Rs. 1 Lakh be transfered in the account of applicant No.3.

(iii) After making the payment of Rs.3 Lakhs, the balance of amount together with interest accrued be initially invested for a period of 18 months with with State Bank of India, High Court branch, Aurangabad with standing instructions to renew the same time to time till further orders from this Court. The interest accrued over the amount invested shall be paid to applicant No. 1 after every three months by transferring the amount in her savings bank account. The payment of interest shall be subject out come of the appeal.

[iii] The application stands disposed of in above terms.

(V.L. ACHLIYA)
JUDGE

SPR