

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

**949 CIVIL APPLICATION NO.1769 OF 2019  
IN FA/120/2019**

**ANITA RAMESH SHINDE AND ORS  
VERSUS  
THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED  
AND DIV. MANAGER, AURANGABAD AND ANR**

...

Advocate for Applicants : Shri A.S. Kulkarni  
Advocate for Respondent No.1 : Shri A.S. Usmanpurkar

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CORAM : PR. BORA, J.  
Dated: January 30, 2019

PER COURT :

1. Heard Shri Kulkarni, learned Counsel appearing for the applicants and Shri Usmanpurkar, learned Counsel appearing for the respondent - Insurance Company. Perused the impugned Judgment and the grounds of objections raised in exception to the said Judgment.

2. In the Award, the Tribunal has directed to invest the amount of Rs.Six Lakh each in the names of applicant - claimant nos.2 and 3, who are minor. No withdrawal can be permitted from the said amount. The withdrawal can be permitted from the amounts, which are payable in favour of the applicants i.e. original claimant nos.1, 4 & 5. In view of the above, the following order is passed.

**ORDER**

(i) Applicant nos.1, 4 and 5 are permitted to withdraw 60% of the amount with interest accrued thereon, falling to their shares as prescribed in the impugned Award, on submitting an undertaking to the satisfaction of the Registrar of this Court. The balance amount of their shares be invested in Fixed Deposit Receipt in any Nationalized Bank for the period till disposal of the appeal.

(ii) Cheque of the payable amount in favour of applicant no.5 be handed over to applicant no.4.

(iii) Applicant no.4 is permitted to file an undertaking on behalf of applicant no.5.

(iv) Civil Application stands disposed of.

**( PR. BORA, J. )**