

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**1032 CIVIL APPLICATION NO.10056 OF 2019
IN FA/2389/2019**

MINAL SHITAL PATEL AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD. AND ANR

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Advocate for Applicants : Mr. Mahajan Lalitkumar S
Advocate for Respondent No.1 : Mr. S.S. Dargad h/f Mr. S.G.
Chapalgaonkar
Advocate for Respondent No.2 : Mr. J.R. Shah
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd AUGUST, 2019

ORDER :

. Present application has been filed by the original claimants for withdrawal of the amount. Amount of Rs.47,51,310/- has been deposited by respondent No.1-appellant.

2. Learned Advocate for respondent No.1 submits that the appeal has been filed challenging the fact that the driver of the offending vehicle was not holding valid and effective driving license on the date of the accident, so also the quantum is challenged.

3. Taking into consideration the fact that a competent Court has held the insurance company liable jointly and severally, case is made

out for partial withdrawal of the amount. Though the application is filed on behalf of minors also, no amount can be withdrawn from their share. Under such circumstance, applicant No.1 is allowed to withdraw amount of Rs.6,00,000/- and applicant Nos.4 and 5 are allowed to withdraw amount of Rs.2,50,000/- each subject to filing an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

4. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/