

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

**1046 CIVIL APPLICATION NO.4513 OF 2019
IN FA/2191/2018**

**SHIVAJI SARJERAO BURANGULE
VERSUS
THE DIVISIONAL MANAGER THENEW INDIA ASSURANCE CO. LTD
AND ORS**

...
Advocate for Applicant : Mr. Wakale Shriraj R
Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar
...

**CORAM : SMT. VIBHA KANKANWADI, J.
DATE : 5th JULY 2019**

ORDER :

1. Present application has been filed for withdrawal of the amount. Respondent No.1 has deposited amount of Rs.2,44,846/-. The appeal has been filed on the ground that the Insurance Company has proved the breach of terms of policy, however, the learned tribunal has not considered the same. So also, on the point of quantum.

2. Taking into consideration the fact that the competent Court has come to the conclusion and has fastened the liability at present to present respondent No.1, case is made out for the partial withdrawal of the amount.

3. Applicant is allowed to withdraw amount of Rs.1,00,000/- subject to giving undertaking within a period of eight weeks that they would make good the said amount, if directed at the time of final disposal of the First Appeal.

4. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/