

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

949. CIVIL APPLICATION NO.3789 OF 2019
IN FA/2534/2017

Sundarbai Suresh Rakshase and others

...Applicants

Versus

Shriram General Insurance Co. Ltd.,
through its Manager and another

...Respondents

Mr. Gajendra D. Jain, Advocate for applicants

Mr. V.N. Upadhye, Advocate for respondent No.1

CORAM : V.L. ACHLIYA, J.

DATE : 28th March, 2019

PER COURT :

1. Applicants have moved this application for withdrawal of balance amount of Rs. 49,79,802/- with the contention that applicant No.1 is suffering from number of ailments. She is advised to undergo major operation.

2. Learned Counsel for the appellant/Insurance Company pointed out that the earlier application filed seeking withdrawal of the amount moved by the present applicants has been decided by this Court (V.L. Achliya, J.) vide order dated 19th July 2018. While deciding said application, the same submissions were advanced. By speaking order passed in the matter, applicant No.1 was allowed to withdraw amount of Rs. 5,00,000/-

and to invest the balance amount in fixed deposit and interest accrued over the amount invested in fixed deposit be paid to applicant No.1 after the interval of every three months for her own maintenance as well as maintenance of co-applicants. It is submitted that no change in circumstances has taken place to entertain the fresh application for withdrawal of amount. The appeal is pending.

3. Considering the submissions advanced and perusing the order dated 19th July 2018 passed in the matter, I am of view that no case is made out to entertain the application. Except vague averment that applicant No.1 requires the amount for medical purpose, neither any details are given nor any documents are produced in support of the application. It is pertinent to note that the amount invested and lying in the Court is not an amount which can be withdrawn by applicant No.1 but the same is amount to be payable to all the claimants. Applicant No.1 holds no right to seek withdrawal of amount invested in fixed deposit. I am, therefore, not inclined to entertain the application. Accordingly the application is rejected.

(V.L. ACHLIYA)
JUDGE

Madkar