

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

**1045 CIVIL APPLICATION NO.4365 OF 2019
IN FA/3230/2018**

**SONUBAI JANARDHAN SASANE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO LTD., THR ITS DIVISIONAL MANAGER,
AURANGABAD AND ORS**

...
Advocate for Applicant : Mr. Gore Ravindra Vitthal & Mr. H C Garud
Advocate for Respondent No.1 : Mr. M.R. Deshmukh
Advocate for Respondent No.3 : Mr. M.V. Manal
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 30th AUGUST, 2019

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.10,93,665/- has been deposited. Learned Advocate appearing for the insurance company is objecting the application on the ground that the appeal has been filed on two grounds i.e. challenging the quantum and there was swapping of drivers and therefore, question of driving license is involved.

2. Taking into consideration the fact that at this stage a competent Court has saddled the amount of compensation on the shoulders

of the respondents jointly and severally and out of that the amount has been deposited in this Court, case is made out for partial withdrawal of the amount. Hence, applicant Nos.2 to 4 are allowed to withdraw amount of Rs.50,000/- equally out of the amount of Rs.1,00,000/- given by the learned Member Motor Accident Claims Tribunal as per the award towards their share. Applicant No.1 is allowed to withdraw amount of Rs.3,00,000/- subject to filing an undertaking that they would make the said amount good, if directed at the time of final disposal of the appeal.

3. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM