

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

**920 CIVIL APPLICATION NO.4788 OF 2019
IN FA/486/2019**

RAJSHREE SHRIKANT CHAVAN AND ORS
VERSUS
SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH MANAGER,
AURANGABAD AND ANR

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Mr. D.R. Jayabhar, Advocate for the applicants

Mr. S.G. Chapalgaonkar, Advocate for the respondent No.1

Mr. U.U. Wagh, Advocate for the respondent No.2

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 07th JUNE, 2019

PER COURT :

1 Present application is for withdrawal of the amount. The application is seriously challenged by the original appellant-present respondent No.1. It has been stated that in fact, the vehicle which is shown to have been insured with the appellant was not at all involved as per the initial information that was supplied in MLC and to prove that MLC the Insurance company has examined the concerned medical officer.

2 Taking into consideration the fact that at present the Tribunal has held the involvement of the vehicle which was insured with appellant on

the date of the accident. Prima facie case is made out for withdrawal of the amount and it is also necessary for the survival of the applicants. At present the appellant has deposited amount of Rs.74,37,140/-. Taking into consideration the apportionment granted to the applicant Nos.1 to 4, following amount is allowed to be withdrawn by the applicant Nos.1, 3 and 4 only.

Applicant No.1 - Rs.4,00,000/-

Applicant Nos.3 and 4 - Rs.2,00,000/- each.

They should file an undertaking within 15 days from the date of this order stating that in case the appeal is allowed they would make good the said amount.

(Smt. Vibha Kankanwadi, J.)

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