

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

**1001 CIVIL APPLICATION NO.11134 OF 2019
IN FAST/14031/2018**

**ARIFA SALIM SHAIKH AND ORS
VERSUS
NEW INDIA ASSURANCE CO. LT., THR ITS DIVISIONAL MANAGER AND
ANR**

...
Advocate for Applicants : Mr. Bedre Vinayak Sudhakar
Advocate for Respondent No.1 : Mr. Anirudha S. Usmanpurkar
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.6,71,451/- has been deposited. The appeal has been filed mainly on the point that there is breach of terms of policy on the ground that the driver of the offending vehicle was not holding valid and effective driving license on the day of the accident. It appears that the specific issue to that effect was raised and it has been answered by the learned tribunal. Under such circumstance, case is made out for partial withdrawal of the amount.

2. Applicant Nos. 4 and 5 are the parents of the deceased, therefore, they are allowed to withdraw amount of Rs.60,000/- each. Applicant Nos.2 and 3 are the sons of deceased they are allowed to withdraw 50,000/- each and applicant No.1 widow of the deceased who is now supposed to run the house, allowed to withdraw amount of Rs.2,00,000/-.

3. Applicants shall fill 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.)

SCM