

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

**1004 CIVIL APPLICATION NO.11141 OF 2019
IN FAST/18015/2018**

**RENUKA VITHHAL MANJRE 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. A.B. Kadethankar
Advocate for respondent No.2 : Mr. R.A. Tambe
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. The appeal has been filed as per the submissions on behalf of the insurance company on the point that the vehicle insured with respondent No.1 has been falsely involved. There is belated FIR.

2. Now, taking into consideration the fact that the competent Court has come to the conclusion about the involvement of the vehicle insured with respondent No.1, case is made out for partial withdrawal of the amount.

3. Applicant Nos.2 and 3 are the minors, therefore, they cannot be allowed to withdraw any amount. Applicant Nos.4 and 5 are the parents of the deceased and as per the apportionment that has been given by the tribunal, they have been given equal shares to that of the widow. However, taking into consideration the fact that she is required to run the house as on today, she would be allowed to withdraw more as compared to the parents.

4. Applicant No.1 is allowed to withdraw amount of Rs.1,20,000/- and applicant Nos. 4 and 5 are allowed to withdraw amount of Rs.75,000/- each. Rest of the amount be invested as per the award and in that proportion.

5. Applicants shall file 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.

6. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM