

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

**962 CIVIL APPLICATION NO.7015 OF 2019**

**IN FAST/215/2018**

**BABANRAO BALAJI RAUT AND ORS**

**VERSUS**

**SOHEL SALEEM TADWI AND ORS**

**...**

**Advocate for Applicants : Bhosale Mahesh K.**

**Advocate for Respondent No.3 : Mr. S.G.**

**Chapalgaonkar**

**...**

**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 21<sup>st</sup> JUNE 2019**

**ORDER :**

1. Present application has been filed for withdrawal of the amount. Amount of Rs.11,22,648/- has been deposited by respondent No.3. The application has been objected on the ground that applicant Nos. 2 and 3 are major and they were not dependent financially on the deceased who was their mother. So also, amount of Rs.4,00,000/- has been awarded under non-pecuniary head which is contrary to the settled principles of law.

2. Taking into consideration the objection regarding non-pecuniary damages awarded, however, at the same time, when the amount has been awarded to the claimants as legal heirs of the deceased, case is made out for allowing them to withdraw the amount partially.

3. The applicants are allowed to withdraw amount of Rs.2,00,000/- each subject to furnish an undertaking 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.

**( Smt. Vibha Kankanwadi, J. )**

Shubham/