

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

956 CIVIL APPLICATION NO.6904 OF 2019

IN FAST/35414/2018

MANISHA SURYAKANT ATOLE AND ORS

VERSUS

**MAGMA HDI GENERAL INSURANCE CO. LTD., THR ITS
AUTHORIZED SIGNATORY, AURANGABAD AN**

...

Advocate for Applicants : Tarde Sambhaji B.

**Advocate for Respondent No.1 : Mr.R.H. Dahat and
S.H. Patil**

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 21st JUNE 2019

ORDER :

1. Present application has been filed for withdrawal of the amount. Amount of Rs.13,66,913/- has been deposited by respondent No.1. Respondent No.1 has filed appeal challenging the quantum stating that wrongly the learned tribunal has given compensation under the heading of loss of love and affection and consortium as per **Rajesh and Others Vs. Rajbir Singh and Ors [(2003) 9 SCC 54]**.

2. Taking into consideration the fact that the sole earning member of the family has expired, case is made out for partial withdrawal of the amount.

3. Applicant No.1 is allowed to withdraw amount of Rs.3,00,000/-.

4. Applicant Nos.4 and 5 are allowed to withdraw amount of Rs.1,50,000/- each by submitting undertaking that they would make good the said amount, if directed at the time of final disposal of the appeal.

5. Civil Application stands disposed of.

(Smt. Vibha Kankanwadi, J.)

Shubham/