

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**1028 CIVIL APPLICATION NO.9877 OF 2019
IN FAST/27271/2018**

AHILYABAI GOVINDRAO DHANORAR PATIL AND ORS
VERSUS
THE ORIENTAL INSURANCE COMPANY LTD., AND ANR

...

Advocate for Applicants : Mr. Narwadkar Mrigesh D.
Advocate for Respondent No.1 : Mr. Dhananjay P. Deshpande

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd AUGUST, 2019

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.92,83,253/- has been deposited.

2. Learned Advocate appearing for respondent No.1 is strongly opposing the application on the ground that the appeal has been filed challenging the involvement of the vehicle, delay in lodging the FIR and so also, the quantum.

3. At this stage, a competent Court has come to the conclusion about the involvement of the vehicle which was insured with the present appellant. So also for quantum, some bases has been taken. Under such circumstance, definitely case is made out for partial withdrawal of the

amount. Further taking into consideration the fact that interest of both the parties are required to be protected, applicant No.1 is allowed to withdraw amount of Rs.10,00,000/- Applicant Nos.2, 3 and 4 are allowed to withdraw amount of Rs.4,00,000/- each subject to filing 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. As regards rest of the amount is concerned, 40% of the same be kept in the name of applicant No.1 in fixed deposit and 20% each in the name of applicant Nos.2, 3 and 4 till the final disposal of the appeal. Needless to say that, the period to be extended periodically till the appeal is decided.

5. With these observations, civil application stands disposed of.

(Smt. Vibha Kankanwadi, J.)

Shubham/