

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

**987 CIVIL APPLICATION NO.7781 OF 2019
IN FAST/3495/2019**

**CHANDRAKALA DILIP PAWAR AND ORS
VERSUS
N. KUMARASAMY S/O NATRAJAN AND ANR**

...
Advocate for Applicants : Mr. Kute Rajendra L.
Advocate for respondent No.2 : Mr. M. M. Ambhore
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Present application has been filed by the original claimant for withdrawal of the amount. Amount of Rs.8,02,443/- has been deposited towards the award by respondent No.1. Learned Advocate for respondent No.1 submits that the appeal has been filed on the ground that the motor cycle as well as truck driver had no valid and effective driving license, so also, the offending truck was driven without any permit.

2. At this stage, a competent Court has come to a conclusion and passed the award holding the insurance company responsible jointly and severally to pay the amount of compensation. Under such circumstance,

case is made out for partial withdrawal of the amount.

3. Applicant Nos.5 and 6 are entitled to withdraw amount of Rs.40,000/- each. Applicant Nos.2, 3 and 4 are allowed to withdraw amount of Rs.75,000/- each and applicant No.1 is allowed to withdraw amount of Rs.2,00,000/- and rest of the amount be invested in Fixed Deposit till the final disposal of the appeal.

4. 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.

5. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM