

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

**1026 CIVIL APPLICATION NO.8269 OF 2019
IN FAST/32146/2018**

**ASHOK GOVIND KULKARNI AND ORS
VERSUS
TATA AIG GENERAL INSURANCE CO. LTD., THR ITS MANAGER,
PUNE AND ORS**

...
Advocate for Applicants : Mr. Mahajan Sandeep Y. & D.A. Madake
Advocate for Respondent No.1 : Mr. R.H. Dahat & S.S. Patil
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 2nd AUGUST, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. At the outset it can be seen that only the present applicant Nos. 1 and 2 were awarded the compensation. The claim petition filed by present respondent Nos. 3 to 7 was rejected. Under such circumstance, from whatever amount has been deposited, only applicant Nos. 1 and 2 can claim withdrawal.

2. Amount of Rs.31,57,922/- has been deposited. The learned Advocate appearing for the Insurance Company submits that the appeal has been filed mainly on the ground of quantum which has been granted on excessive side. Taking into consideration the objection, so also the fact that the competent

Court has passed the award in favour of applicant Nos. 1 and 2, case is made out for partial withdrawal of the amount. While passing this award, the base is taken from the award itself and amount of Rs.2,00,000/- and 5,70,000/- was directed to be given to the applicant Nos.1 and 2 by account payee cheques.

3. Under such circumstance, applicant Nos.1 and 2 are allowed to withdraw amount of Rs.8,00,000/- and it should be distributed equally between them. Rest of the amount be invested as per the award.

3. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/