

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

**1028 CIVIL APPLICATION NO.7249 OF 2019
IN FA/603/2019**

**GODHABAI KUNDLIKRAO INGOLE AND ORS
VERSUS
HDFC GENERAL INSURANCE CO.LTD., THIRU MANAGER, AURANGABAD
AND ANR**

...
Advocate for Applicants : Mr. Katneshwarkar S.P.
Advocate for Respondent No.1 : Mr. S. G. Chapalgaonkar
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 19th JULY 2019

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.7,58,539/- has been deposited by the Insurance Company. The learned Advocate for respondent No.1 has raised objection for withdrawal of the amount contending that the appeal has been filed on the point regarding false involvement of the vehicle insured with the appellant and though the attempt was made by the Insurance Company to lead evidence, the application was rejected.

2. Taking into consideration the fact that the competent Court has passed the award against the appellant holding it jointly and severally liable, case is made out for partial withdrawal. Applicant

Nos.1, 2 and 3 are allowed to withdraw amount of Rs.1,00,000/- each subject to giving an undertaking that they would make the said amount good, if directed at the time of final disposal of the appeal.

3. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/