

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

**989 CIVIL APPLICATION NO.9130 OF 2019
IN FA/537/2019**

**YAMUNA BALASAHEB SHINDE AND ORS
VERSUS
THE RELIANCE GENERAL INSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY, AURANGABAD**

...
Advocate for Applicants : Mr. Karpe Rahul R.
Advocate for Respondent No.1 : Mr. S.G. Chapalgaonkar
Advocate for Respondent No.2 & 3 : Mr. Y.D. Kale
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.16,89,999/- has been deposited. Learned Advocate appearing for the insurance company has strong objection on the ground that there is false involvement of vehicle insured with it and there was collusion between the claimants and the owner, driver of the offending vehicle.

2. Taking into consideration those same grounds, which were raised before the tribunal, the tribunal has come to the conclusion and then

held the insurance company responsible jointly and severally to pay the compensation and therefore, definitely, case is made out for partial withdrawal of the amount.

3. Applicant No.5 is minor, therefore, he cannot be allowed to withdraw any amount. Only applicant Nos.1 to 4 can be allowed to withdraw partial amount. Taking into consideration the fact that applicant Nos.2, 3 and 4 are still taking education and the applicant No.1 is supposed to run the house, she is allowed to withdraw more amount and only some amount is allowed to be withdrawn by the major applicants.

4. Applicant Nos.2, 3 and 4 are allowed to withdraw amount of Rs.1,00,000/- each and applicant No.1 is allowed to withdraw amount of Rs.5,00,000/- 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.

5. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)