

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

**919 CIVIL APPLICATION NO.7963 OF 2019
IN FIRST APPEAL ST. NO.21663 OF 2018**

**CHHAYA RAJENDRA PATIL AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS DIV. MANAGER,
AURANGABAD AND ANR**

Mr.Ashwin V. Hon, Advocate for applicants
Mr.S.G.Chapalgaonkar, Advocate for respondent No.1
Mr.K.N.Lokhande, Advocate for respondent No.2

**CORAM : SUNIL P. DESHMUKH &
S.M. GAVHANE, JJ.**

DATE : 12.07.2019

P.C. :-

. Heard learned counsel appearing for the parties. Learned counsel for the applicant refers to order passed by the tribunal and submits that extensive amount is directed to be deposited and as per the directions of this Court the Insurance company has deposited the entire award amount in this Court. He further states that the applicants for the purpose of taking higher education for applicants No. 2 and 3 and marriage of applicant No. 3 are in need of money. He, therefore, urges to allow the applicants to withdraw the entire amount deposited by insurance company in this Court pursuant to the order of this Court.

2. Learned counsel Mr. Chapalgaonkar appearing for

insurance company, however, is apprehensive of total claim awarded and submits that such a huge amount would not be due to the claimants going by the evidence on record. He, however, is fair enough to submit that reasonable partial amount may be allowed to be withdrawn. This submission, of course, is made on instructions.

3. It is not disputed that marriage of the daughter of the deceased is arranged and engagement has also taken place and expenses for education of applicants No.2 and 3 are required to be borne.

4. In the circumstances, interest of either side can be secured by allowing withdrawal of reasonable amount.

5. Having regard to aforesaid, we deem it appropriate to allow the applicants to withdraw Rs. 12,00,000/- each i.e. in aggregate amount of Rs.36,00,000/-.

6. Withdrawal of the abovesaid shall be subject to filing an undertaking to the effect that in case, decision in the first appeal is adverse to the interest of applicants, the applicants would deposit the amount back in this Court within a period of eight weeks from the date of decision.

7. Rest of the amount be invested in fixed-deposit in nationalized bank.

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8. Application is disposed of.

[S.M.GAVHANE, J.]

[SUNIL P. DESHMUKH, J.]

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