

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

40 CIVIL APPLICATION NO.13166 OF 2019
IN FAST/9067/2019

HARISH BANSILAL MANTALA THR HIS WIFE DEEPA AND ANR
VERSUS
CHOLAMANDALAM M.S. GENERAL INSURANCE CO. LTD., THR ITS DIV.
MANAGER AND ANR

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Advocate for Applicants : Mr. Gandhi Amol S.
Advocate for Respondents : Mr. Abhijit G. Choudhari.

CORAM : MANGESH S. PATIL, JJ.
DATE : 13/11/2019

PER COURT :

The applicants are the parents of the deceased who have been awarded compensation in their proceeding under Section 166 of the Motor Vehicles Act. The respondent No. 1/Insurance Company has preferred an appeal and has deposited the entire amount of award together with interest in this Court. The applicants are now seeking withdrawal of the amount.

2. There is no dispute about occurrence of the accident or involvement of the vehicle as also the vehicle being insured with the respondent No. 1/Insurance Company.

3. Considering the aforementioned facts the applicants are

allowed to withdraw the amount deposited by the respondent No. 1/Insurance Company in this Court subject to furnishing undertaking of the applicant No. 2 for and on behalf of both the applicants since the applicant No. 1 is stated to be suffering from paralysis as a result of the accident. However, the applicant shall be entitled to withdraw 75% of the deposited amount on furnishing solvent security to its satisfaction.

4. The Civil Application is disposed of.

(MANGESH S. PATIL, J.)

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