

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

**1016 CIVIL APPLICATION NO.11889 OF 2018
IN FA/2957/2018**

**AATUBAI JERMA PARADKE AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.,**

...
Advocate for Applicants : Mr. Patil Shrikant S.
Advocate for Respondent : Mr. S. G. Chapalgaonkar
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 4th OCTOBER, 2019.

ORDER :

. Present application has been filed for withdrawal of amount.
Amount of Rs.5,58,948/- has been deposited in this Court.

2. Learned Advocate for the appellant submits that the appeal has been filed on the point challenged to the allegation about involvement of the vehicle. It is stated that even witness was examined by the insurance company. While appreciating these points, it will have to be stated that original respondent No.1 had admitted the accident in his written statement. Therefore, taking into consideration the fact that the appellant has been held liable to pay compensation and the present applicants are entitled to get compensation, partial withdrawal can be allowed.

3. Taking into consideration the apportionment, that was made by learned tribunal and the fact that present applicant No.4 is still minor, he cannot be allowed to withdraw any amount. Amount of Rs.75,000/- was given to applicant Nos. 2 and 3. Out of the amount that was awarded, they are allowed to withdraw amount of Rs.50,000/- each from their share. From rest of the amount, since applicant No.1 is required to run the house at present, she is allowed to withdraw amount of Rs.2,50,000/-.

4. Applicants shall file 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.)

SCM