

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

**CIVIL APPLICATION NO.10959 OF 2018
IN FAST/35888/2017**

**SAVITA MOHANRAO DHUDBHATE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED OFFICIAL
AND DIV. MANAGER, AURANGABAD AND ANR**

...
Mr. Yenegure Apparao, Advocate for applicants.
Mr. A.S. Usmanpurkar, Advocate for respondent No.1.
Ms. R.R. Suryawanshi, Advocate for respondent No.3.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 27th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for withdrawal of amount.
Amount of Rs.26,54,940/- has been deposited by the insurance company in
this Court towards the award.

2. Learned Advocate appearing for the insurance company
submits that the appeal has been filed mainly on the ground of quantum as
the income of the deceased has been taken on the higher side by the
learned tribunal.

3. Taking into consideration the judgment and award passed by the learned tribunal, definitely, case is made out for partial withdrawal of the amount. While passing the order on withdrawal of application, note is also taken from the operative order of the impugned judgment in which the apportionment has been made and taking into consideration that apportionment, applicant No.1 is allowed to withdraw an amount of Rs.5,00,000/- and the applicant No.2 is allowed to withdraw amount of Rs.2,00,000/-.

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