

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

**1062 CIVIL APPLICATION NO.12241 OF 2019
IN FA/1256/2019**

**SUMAN NATHA PAWAR AND ORS
VERSUS
RAMBHAU BHURAO HADKE AND ANR**

...
Advocate for Applicants : Ms. Kakade(Matkar) Savita Parmeshwar
Advocate for Respondent No.2 : Mr. M. K. Goyanka
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11th OCTOBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.13,59,323/- has been deposited by this insurance company in this Court.

2. Learned Advocate appearing for the original appellant submits that the insurance company is disputing the involvement of the vehicle insured with it in the accident. There is belated FIR. Though it is stated that father of the deceased as well as another brother of the deceased had seen the accident, they did not report the accident for about one and half months. It is also stated that the quantum is also disputed.

3. Taking into consideration the impugned judgment, it appears that the point raised by the insurance company has been dealt with. Therefore, as on today, the competent Court has come to the conclusion and then passed the award, therefore, case is made out for partial withdrawal of the amount.

4. Applicant Nos.2 and 3, being minors, cannot be allowed to withdraw the amount. Applicant Nos.4 and 5 being parents are allowed to withdraw amount of Rs.1,50,000/- each. Applicant No.1, being the widow, who is supposed to run the house, is allowed to withdraw amount of Rs.4,00,000/-.

5. 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.

6. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM