

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

**1002 CIVIL APPLICATION NO.11138 OF 2019  
IN FAST/3896/2019**

**SUMAN TRIMBAK PALVE AND ANR  
VERSUS  
BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED THR ITS  
BRANCH MANAGER AND ANR**

...  
Advocate for Applicants : Mr. Ambetkar Arvind G  
Advocate for Respondent No.1 : Mr. S.S. Dargad h/f Mr. S.G.  
Chapalgaonkar  
Advocate for Respondent No.2 : Mr. A.P. Avhad  
...

**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 13<sup>th</sup> SEPTEMBER, 2019.**

**ORDER :**

. Present application has been filed by the original claimant for withdrawal of the amount. Amount of Rs.18,10,477/- has been deposited.

2. Learned Advocate appearing for the insurance company-appellant submits that the appeal has been filed challenging the involvement of the vehicle insured with the company. There is belated FIR. Initially, the petition was dismissed, however, when the claimants approached this Court, the matter was then remanded and thereafter, the tribunal once again decided the matter on merits.

3. All the above said points were considered by the learned tribunal and then it has arrived at the conclusion that both the respondents are liable jointly and severally to pay the compensation. Under such circumstance, case is made out for partial withdrawal of the amount.

4. Applicant No.1 is allowed to withdraw amount of Rs.5,00,000/- and applicant No.2 is allowed to withdraw amount of Rs.2,00,000/- from the amount deposited in this Court. Rest of the amount be invested in Fixed Deposit till the final disposal of the appeal.

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