

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

**1054 CIVIL APPLICATION NO.12169 OF 2019
IN FAST/16705/2018**

**SUNANDA NAGORAO PHAWADE AND ORS
VERSUS
IFFCO TOKYO GENERAL INSURANCE CO. LTD., THR THE BRANCH
MANAGER AND ORS**

...
Advocate for Applicants : Mr. Patil N.P. Jamalpurkar
Advocate for Respondent No.1 : Mr. S.G. Chapalgaonkar
Advocate for Respondent No.9 : Mr. Abhijit Choudhari
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 11th OCTOBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.84,68,589/- has been deposited by the insurance company in this Court.

2. Learned Advocate for respondent No.1-insurance company submits that the award has been challenged on the ground of quantum and negligence since two vehicles were involved in the accident.

3. Therefore, taking into consideration the challenge, that has been made, so also the fact that at present respondent No.1 has been held

liable to pay compensation jointly and severally with respondents, case is made out for partial withdrawal of amount.

4. Applicant Nos.2 and 3 are minors, therefore, they cannot be allowed to withdraw any amount. Applicant Nos.4 and 5 appears to be the parents of the deceased, they are allowed to withdraw amount of Rs.7,00,000/- each. Applicant No.1-the widow is allowed to withdraw amount of Rs.15,00,000/-.

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