

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

**948 CIVIL APPLICATION NO.13188 OF 2018
IN FA/2074/2018**

**SMITA KISHOR AJGAR AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED
OFFICER, JALNA AND ANR**

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Advocate for Applicants : Ms. Bharad Pratibha J
Advocate for Respondent No.1 : Mr. M.M. Ambhore

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**CORAM : SMT. VIBHA KANKANWADI, J.
DATE : 28th JUNE 2019**

ORDER :

1. Present application has been filed for withdrawal of the amount. Noting would show that amount of Rs.44,44,950/- has been deposited by Respondent No.1. The award shows that only the distribution of amount of Rs.27,32,500/- which was the amount of award and no amount has been directed to be kept in Fixed Deposit in respect of adult members. However, only as regards the minors are concerned, the amount was directed to be kept in Fixed Deposit Receipt.
2. Taking into consideration the fact that even the future of the adult applicant is also required to be considered, certain amount is required to be kept in Fixed Deposit and therefore, the entire amount cannot be allowed to be withdrawn by the applicants. Furthermore, the amount which has been directed to be kept in Fixed Deposit as regards

the minors are concerned, it is for their share till their majority and therefore, that amount is required to be excluded.

3. Under such circumstance, applicant Nos. 1, 4 and 5 are allowed to withdraw the amount. Applicant No.1, being a person, now required to run the house, more amount is allowed to be withdrawn by her. She is allowed to withdraw amount of Rs.7,00,000/-. Applicant Nos. 4 and 5 are allowed to withdraw amount of Rs.2,00,000/- each.

4. As regards remaining amount is concerned, amount of Rs.2,00,000/- each be kept in the name of applicant Nos.4 and 5 in Fixed Deposit Account of any Nationalize Bank till the decision of the First Appeal.

5. So also, the remaining entire amount is concerned, it be kept in the name of applicant No.1 in Fixed Deposit Account of any Nationalize Bank of her choice till the decision of the First Appeal.

6. They shall file an undertaking within a period of eight weeks that they would make good the said amount, if directed at the time of final disposal of the First Appeal.

7. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/