

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

**CIVIL APPLICATION NO.12034 OF 2019
IN FA/3066/2019**

**PREMILA @ PREMILA BALAJI RAKTE AND ORS
VERSUS
THE MANAGER UNITED INDIA INSURANCE CO. LTD. LATUR AND ANR**

...
Mr. M.D. Shinde, Advocate for applicants.
Mr. S.N. Patne, Advocate for respondent No.2.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 4th OCTOBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount and also for directing respondent No.1 to deposit the remaining 50% of the amount. As regards the other remaining 50% of the amount is concerned, in fact, the 50% amount which has been deposited is as per the order passed by this Court. Amount of Rs.11,24,536/- has been deposited in this Court.

2. Learned Advocate for respondent No.1 is absent. Perusal of the appeal memo would show that the insurance company intends to challenge the decision of the tribunal on the ground that the tribunal erred

in not holding contributory negligence of the other vehicle. So also, the quantum is challenged.

3. Therefore, taking into consideration the interest of respondent No.1 as well as interest of present applicants, applicant Nos.1 and 4 can only be allowed to withdraw the amount as the applicant Nos. 2 and 3 are minors. Applicant No.4 is therefore, allowed to withdraw amount of Rs.1,50,000/- and applicant No.1, who is supposed to run the house now, allowed to withdraw amount of Rs.4,50,000/-.

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