

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

**996 CIVIL APPLICATION NO.463 OF 2019
IN FA/1965/2018**

**JAYSHREE NARENDRA PATIL AND ORS
VERSUS
RELIANCE GENERAL INSURANCE CO., THR ITS MANAGER,
AURANGABAD AND ANR**

...
Advocate for Applicants : Mr. Patil Vijay B.
Advocate for Respondent No.1 : Mr. V.P. Raje and Mr. R.H. Dahat
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for withdrawal of the amount. Amount of Rs.46,20,190/- has been deposited. Learned Advocate appearing for the insurance company strongly objecting the application on the ground that the appeal has been filed challenging the quantum that has been awarded. The deceased was labour and therefore, whatever amount has been awarded is exorbitant.

2. Taking into consideration the fact that the competent Court has comes to a certain conclusion and passed the award and the fact that the appeal has been filed to challenge the quantum, case is made out for

partial withdrawal of the amount. Taking into consideration the fact that applicant No.2 is a minor, no amount can be allowed to be withdrawn on his behalf. Amount can be allowed to be withdrawn to applicant Nos. 1 and 3 only. Therefore, applicant No.1 is allowed to withdraw amount of Rs.5,00,000/- and applicant No.3 is allowed to withdraw amount of Rs.1,50,000/- subject to filing 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.

3. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM