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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1636 OF 2018
IN
FIRST APPEAL NO.1239 OF 2016**

Smt. Jyoti Ajay Avatade and ors ... Applicants.

In the matter between

Iffco Tokio General Insurance Co.Ltd. ... Appellant.

V/s.

Smt. Jyoti Ajay Avatade and ors ... Respondents

Mr. R.S. Alange, for the applicants.

Mr. Abhijit Kulkarni, for respondent Nos. 1 to 5.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 31st JANUARY, 2019.

P.C. :

1] This application is preferred by the original claimants seeking withdrawal of the entire amount of compensation as deposited in the Court, by the Insurance Company.

2] Learned counsel for appellant submits that as the appeal is only on the point of quantum of compensation, entire amount of compensation cannot be permitted.

3] Considering that two applicants are minor, amount of their share is to be invested in the F.D.R. Even the applicant No.1 being widow, it is desirable that some amount of her share is also

required to be invested. Hence the applicants are permitted to withdraw only an amount of Rs.10,00,000/-, subject to filing of usual undertaking.

4] Application is disposed off.

5] Appeal be placed for admission as per C.M.I.S. date.

[DR.SHALINI PHANSALKAR-JOSHI, J.]