

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

**14 CIVIL APPLICATION NO.2475 OF 2020
IN FAST/13449/2018**

**ASHA AVINASH KHADSE AND ANR
VERSUS
NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED SIGNATORY,
AURANGABAD AND ORS**

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Advocate for Applicants : Mr. Mayure Pramod C (vp Not Filed)
Advocate for Respondent No. 1 : Mr. Mohit R. Deshmukh
Advocate for Respondent No. 4 : Mr. G.R. Ravindra.

CORAM : MANGESH S. PATIL, J.

DATE : 20/07/2020

PER COURT :

The learned advocate Mr. Mayure undertakes to file Vakalatnama immediately.

2. Heard the learned advocate for the applicants, the learned advocate for the mother of deceased and the learned advocate for the Insurance Company. The application has been filed by the widow and the minor daughter of the deceased seeking permission to withdraw the amount deposited by the respondent/Insurance Company in this Court.

3. The learned advocate for the Insurance Company points out that already the applicants have been allowed to withdraw an amount of Rs. 12,00,000/- and that should serve the purpose.

4. The learned advocate for the applicants submits that when the order was solicited for withdrawal of the amount on earlier occasion, the applicants were residing with the parents of the widow. Now she wants to purchase a property. However out of an amount of Rs. 12,00,000/- an

amount of Rs. 7,00,000/- has been deposited as a fixed deposit in the name of minor applicant and the widow was merely paid Rs. 5,00,000/-. The learned advocate for the applicants submits that even if the applicants are not allowed to withdraw any more amount, at least the applicants may be permitted to break the fixed deposit to the extent of Rs. 5,00,000/- to enable them to purchase a property which shall be purchased in the name of minor applicant Shruti Avinash Khadse.

5. After having heard both the sides, the request seem to be innocuous. The applicants being a widow and minor daughter of the deceased seeking to acquire a property which even they are ready to acquire in the name of minor daughter, it would appropriate to allow them to break the fixed deposit and withdraw an amount of Rs. 5,00,000/- by allowing remainder to be continued to be deposited as a fixed deposit with the same bank.

6. The application is allowed.

7. The applicants are permitted to break the fixed deposit of Rs. 7,00,000/- which has been deposited in the name of minor applicant No. 2 Shruti Avinash Khadse and allowed to withdraw an amount of Rs. 5,00,000/- there from subject to the condition that the remainder amount shall continue to be deposited in the name of Shruti Avinash Khadse till she attains majority with a further condition that the property to be purchased shall be purchased in the name of Shruti Avinash Khadse and her mother Asha Avinash Khadse files an undertaking to that effect in this Court and subsequently produces a copy of sale-deed at the earliest.

(MANGESH S. PATIL, J.)