

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

**CIVIL APPLICATION NO.7307 OF 2020
IN FIRST APPEAL NO.1670 OF 2020**

...
**UJAWALA W/O. JAGDISH KULKARNI & ANOTHER
VERSUS
CHOLAMANADALAM MS GENERAL INSURANCE COMPANY
LTD.**

...
Mr.S.S.Manale, Advocate for the respondent
nos.1 and 2.
Mr.S.G.Chapalgaonkar, Advocate for the
respondent no.1.

...
**CORAM : V.L.ACHLIYA,J.
DATE : 02.12.2020**

P.C.

1] The applicants-claimants have moved this application seeking withdrawal of the amount deposited by the appellant-Insurance Company.

2] Heard learned counsel for the applicants-claimants and learned counsel representing appellant-Insurance Company. Perused the award passed by the Tribunal.

3] On due consideration of the submissions advanced in the light of

challenge raised in Appeal, I am of the view that the following order will meet the ends of justice :

ORDER

- i] The applicants are permitted to withdraw the amount to the extent of 60% deposited amount on furnishing written undertaking to effect that in the event the award is set aside / modified by this Court the applicants shall re-deposit the amount within eight [8] weeks from the date of passing of the order.
- ii] The withdrawal of the amount shall be subject to final outcome of the Appeal.
- iii] After making payment to the extent of 60% deposited amount, the balance amount be invested in Fixed Deposit initially for a period of two years with any Nationalized Bank with standing instructions to renew the same till final disposal of the Appeal.

iv] Civil Application is disposed of in
above terms.

[V.L.ACHLIYA]
JUDGE

DDC