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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4035 OF 2018
IN
FIRST APPEAL NO.446 OF 2017

Pramod P. Kalambe

...Applicant

IN THE MATTER BETWEEN :

New India Assurance Co. Ltd.

...Appellant

V/s.

Rupali A. Kalambe & Ors.

...Respondents

Mr.Yogesh Pande for the Applicant / Respondent No.3.

Mr.Himanshu Takke i/b Mr.Milind V. More for the Appellant.

Ms.Poonam Mital for the Respondent No.5.

CORAM : R.D. DHANUKA, J.
DATE : 25TH FEBRUARY, 2020.

P.C. :-

1. By this civil application, the applicant (original respondent no.3) has prayed for withdrawal of the amount deposited by the appellant.

2. Learned counsel appearing for the original appellant strongly opposes this application on the ground that by an order dated 27th September, 2017 passed in Civil Application (Stamp) No.21832 of 2017 no order for withdrawal of the amount was granted

on the ground that the applicant's occupation was shown different and therefore, he was not to be allowed to withdraw any of the amount. The insurance company has challenged the dependency of the father. It is submitted by the learned counsel that the said order dated 27th September, 2017 passed by this Court has not been impugned by the applicant herein.

3. Mr. Pande, learned counsel appearing for the applicant does not dispute that his client was also one of the applicant in the said Civil Application No. 21832 of 2017 which was rejected insofar as the applicant in this civil application is concerned. He also does not dispute that his client has not challenged the said order before the Supreme Court. No case is thus made out for grant of any permission to withdraw any amount in view of the said order already passed by this Court rejecting the said civil application.

4. The civil application is dismissed. There shall be no order as to costs.

(R.D. DHANUKA, J.)