

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 CIVIL APPLICATION NO. 4161 OF 2021
IN
FIRST APPEAL NO.2367 OF 2020

SMITA SACHIN KHEDKAR AND ORS
VERSUS
THE RELIANCE GENERAL INSURANCE CO. LTD.,
THR ITS LEGAL OFFICER

...
Advocate for Applicants : Mr. Swapnil Rath
Advocate for Respondent no. 1: Mr. Dahat R. H. and S. S. Patil

...
CORAM : ANIL S. KILOR, J.
DATE : 08-04-2021

ORDER :

1. This is an Application for withdrawal of amount filed by the claimants. The learned counsel for the applicants submits that the applicants are in need of money and accordingly the reasons are mentioned in the Application.
2. Learned counsel appearing for the respondent no. 1 - Insurance Company opposes the application. He states that, it would be difficult for Insurance Company to recover the amount in case the Appeal is allowed.
3. I am of the opinion that to strike the balance between the rights of the parties and in the interest of justice, it would be appropriate to

allow applicants to withdraw 50% amount on condition of furnishing undertaking.

4. Accordingly, the Application is partly allowed. The applicants are allowed to withdraw 50% amount on furnishing undertaking to the effect that in the event, the decision in the First Appeal is adverse to their interest, they would pay back / re-deposit the amount being withdrawn within the stipulated period.

5. The Application is disposed of.

[ANIL S. KILOR]
JUDGE

vdk/