

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3666 OF 2021
IN FIRST APPEAL NO.2330 OF 2020

GOPICHAND DHUDKU DEORE (PAIL) AND OTHERS
VERSUS
CHOLAMANDALAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, AURANGABAD

...
Advocate for Applicants : Mr. Madhav M. Bhokarikar
Advocate for Respondent No.1 : Mr. Swapnil S. Dargad h/f.
Mr. S. G. Chapalgaonkar
...

CORAM : ANIL S. KILOR, J.

DATE : 18th MARCH, 2021

PER COURT :-

This is an application moved by applicants-claimants for withdrawal of amount deposited by appellant-Insurance company.

2. Heard respective counsels appearing for the parties.
3. In the application, the applicants-claimants mentioned that they are in need of amount granted by the learned Tribunal towards compensation. Therefore, they may be permitted to withdraw the same.
4. Though, the insurance company is served, no reply to the application for withdrawal of amount has been filed, opposing the prayer of claimants. However, learned counsel appearing for

respondent-insurance company orally opposed the application and submits that in case the insurance company succeeds in the present matter, it will be difficult for the insurance company to recover the amount from the claimants.

5. After considering the contents of application, I am of the opinion that, the cause of justice will be served, if the applicants-claimants are permitted to withdraw 50% of the total amount, with an undertaking that, in case insurance company succeeds in the present matter and this Court directs the applicants-claimants to repay the amount back, they will deposit the amount so withdrawn within stipulated period.

6. Accordingly, application is partly allowed in above terms

7. With this direction, the civil application is disposed of.

(ANIL S. KILOR)
JUDGE

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