

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO.7122 OF 2020
IN FA/3694/2019

SINDHU ASHOK LAGHANE AND ORS

VERSUS

NEW INDIA ASSURANCE CO. LTD., AND ORS

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Mr. S.S. Dargad, Advocate for applicants

Mr. D.P. Deshpande, Advocate for the respondent No.1

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15th JUNE, 2021.

PER COURT :

- 1 Present application has been filed for withdrawal of the amount.
- 2 Heard both sides.
- 3 The insurance company has deposited amount of Rs.9,38,313/- apart from the statutory amount. By keeping the statutory amount with the Court the entire amount can be allowed to be withdrawn by the applicants.
- 4 Taking into consideration the point raised that there is breach of terms of policy, which would at the most reflect into 'pay and recover' for the

insurance company, which will not be against the original claimants, the applicants are allowed to withdraw amount of Rs.9,38,313/- as per the award with interest, if any, accrued.

5 Applicants shall give undertaking to this Court within a period of eight weeks that they would make the said amount good, if directed, at the time of final disposal of the appeal.

6 Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

agd