

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

928 CIVIL APPLICATION NO.4990 OF 2021  
IN FA/2162/2019

ARCHANA VIJAYKUMAR RAWATE AND ORS  
VERSUS  
BRIJESH SHRIRAM AHIRWAR AND OTHERS

...  
Advocate for Applicants : Mr. Kendre N.D.  
Mr.SG Chapalgaonkar, Adv. For R/3;  
Mr.VC Patil, Adv.for Resp.No.4.

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**CORAM : SMT.VIBHA KANKANWADI, J.**

**DATE : 17<sup>th</sup> June, 2021.**

**PER COURT :-**

1. Present application has been filed for withdrawal of the amount deposited by the insurance company.
2. Heard both sides.
3. Though earlier order for withdrawal of the amount was passed; yet it was noticed that wrongly the amount from one case has been deposited in another and, therefore, the earlier order was kept in abeyance. Now, after necessary correction has been made and the amounts are interchanged, present application has been filed.
4. The appeal appears to be challenging the quantum and negligence. Under such circumstance, partial withdrawal is permissible. The amount deposited in this case is Rs.14,84,074/-. As regards applicant Nos.2 and 3 are concerned, since they are minor, they are not allowed to withdraw the

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amount of their share, as it is given for their future. Taking into consideration the apportionment, which is tried to be made by learned Tribunal, applicant No.1, who is widow, is allowed to withdraw more amount, i.e. Rs.6,00,000/- and applicant Nos. 4 and 5 are allowed to withdraw an amount of Rs. 1,25,000/- each.

5. The applicants shall file an undertaking 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. The Civil Application stands disposed of.

**(SMT. VIBHA KANKANWADI)**  
**JUDGE**

BDV