

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

**CIVIL APPLICATION NO. 4528 OF 2021
IN
FIRST APPEAL NO. 2109 OF 2018**

Devubai Rajendra Gite
and others

... Applicants

Versus

New India Insurance Co. Ltd.
Through its Divisional Manager,
Aurangabad and others

... Respondents

....

Mr. Suhas S. Shirsat, Advocate for the Applicants
Mr. Swapnil Dargad, Advocate h/f Mr..G. Chapalgaonkar, Advocate
for Respondent No.1
Mr. V.P. Savant, Advocate for Respondent Nos.6 and 7.

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 29th JUNE, 2021

PER COURT:-

1. It is an application for withdrawal of amount moved by the applicants / original claimants.
2. Heard Mr. Suhas Shirsat, learned counsel for the applicants and Mr. Swapnil Dargad, learned counsel appearing for respondent no.1.

Perused earlier order passed by this Court (Coram : PR. Bora, J.) dated 16.01.2019, so also, perused the record.

3. My learned brother was pleased to permit the applicants to withdraw 50% of the compensation amount deposited by the Insurance Company on usual undertaking to the satisfaction of the Registrar of this Court. Further, it was directed to invest the remaining balance amount in fixed deposit receipt in any nationalized Bank till the final decision of the appeal.

4. In change in circumstances, the applicants have moved this application for withdrawal of amount mainly on the ground that the marriage of applicant no.4 was solemnized on 26.04.2021. In the said marriage, applicant nos. 1 to 3 had incurred large expenses and raised many hand loans, which they have intended to satisfy by withdrawing the additional amount. I do not find much force and substance in the ground for permitting withdrawal of the additional amount. It would not be appropriate to allow to withdraw the remaining balance amount, which has been invested in the fixed deposit. The marriage is already over. It would be appropriate to take the appeal for final hearing. With these observations, I proceed to pass the following order:

ORDER

- (i) The application for withdrawal of amount is hereby rejected.
- (ii) List the appeal for final hearing on 20.07.2021.
- (iii) The appeal would be decided finally at admission stage.

(SHRIKANT D. KULKARNI)
JUDGE

S.P Rane