

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

965 CIVIL APPLICATION NO.2684 OF 2021
IN FAST/11362/2020

SUDHAKAR DHONDIBA KOPARKAR AND ORS
VERSUS
IFFCO TOKYO GENERAL INSURANCE CO. LTD., THR ITS BR MNGR, INNANI
CMPLX, NEAR LATUR SADI CENTER, LATU

...
Advocate for Applicants : Manoj Shinde
Advocate for Respondent no. 1: Mr. S. S. Dargad holding for Mr. S. G.
Chapalgaonkar
Advocate for respondents no. 5 and 6 : Mr. Abhijit Chaudhari

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CORAM : ANIL S. KILOR, J.
DATE : 18-03-2021

ORDER :

1. This is an application by the applicants – claimants seeking to withdraw the amount deposited by the respondent no. 1 – Insurance Company.
2. Heard respective learned Advocates for the parties.
3. The learned counsel for the applicants – claimants submits that, in present matter, there is no dispute about the quantum of amount awarded, however, the only dispute is in respect of as to who should pay the amount whether respondent no. 1 or respondent no. 6 – Insurance Company. He, therefore, submits that the amount deposited by the respondent – Insurance Company, may be permitted to withdraw.

4. Though, the learned counsel for respondent no. 1 – Insurance Company opposes the same, however, he is not in a position to dispute the contentions made by the applicants.

5. In that view of the matter, I am of the considered view that at present, the applicants should be permitted to withdraw 50% of the amount deposited by the respondent no. 1 – Insurance Company.

6. Accordingly, application is partly allowed. Applicants are permitted to withdraw 50% of the amount with liberty to move for withdrawal of further amount in case of any exigency in future. The amount be withdrawn by the applicants on furnishing undertaking to the satisfaction of M.A.C.T., Latur.

7. Looking at the present situation due to pandemic, the Registry is directed to transfer 50% of the amount deposited by respondent no. 1 – Insurance Company to M. A. C. T., Latur within a period of two weeks from today.

8. Registry is further directed to invest the balance amount in fixed deposit initially for two years and it should be extended till the disposal of First Appeal, in case the First Appeal is not decided within two years.

[ANIL S. KILOR]
JUDGE

Vdk