

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 2892 OF 2021
IN
FIRST APPEAL NO.1819 OF 2020

YAMUNABAI ANKUSH BORADE AND ORS
VERSUS
NEW INDIA ASSURANCE CO. LTD., THR ITS BR MANAGER, SATHE
CHOWK, JALNA RD, BEED

...

Advocate for Applicants : Mr. Chouchari Sushant B.
Advocate for Respondent no. 1: Mr. Chapalgaonkar S.G.

...

CORAM : ANIL S. KILOR, J.
DATE : 08-04-2021

ORDER :

1. Leave to correct the memo.
2. This is an Application for withdrawal of amount filed by the claimants. The learned counsel for the applicants submits that the applicants are in need of money and accordingly the reasons are mentioned in the Application.
3. Learned counsel appearing for the respondent no. 1 - Insurance Company opposes the application and also filed reply on record opposing the prayer made in this application. He states that, the Judgment and Award is under challenge on two grounds and it would be difficult for Insurance Company to recover the amount in case the Appeal is allowed.

4. I am of the opinion that to strike the balance between the rights of the parties and in the interest of justice, it would be appropriate to allow applicants to withdraw 50% amount on condition of furnishing undertaking.

5. Accordingly, the Application is partly allowed. The applicants are allowed to withdraw 50% amount on furnishing undertaking to the effect that in the event, the decision in First Appeal is adverse to their interest, they would pay back / re-deposit the amount being withdrawn within the stipulated period.

6. The Application is disposed of.

[ANIL S. KILOR]
JUDGE

vdk/