

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

CIVIL APPLICATION NO.3597 OF 2022 IN FA/1831/2013

**GEETABAI GANGADHAR SUWARNKAR (POTDAR) AND OTHERS
VERSUS
GOVIND PRALHADRAO MODI AND OTHERS**

....

Mr. Vikas G. Kodale, Advocate h/f Mr. P.G. Rodge, Advocate for the Applicants

Mr. M.M. Ambhore, Advocate for Respondent No.2

Mr. A.S. Shelke, Advocate for Respondent No.3

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 15th MARCH, 2022

PER COURT:-

1. Heard Mr. V.G. Kodale holding for Mr. Rodge, learned counsel for the applicants, Mr. Ambhore, learned counsel for respondent no.2 / insurance company. Mr. S.V. Mundhe, learned counsel submits that he has no instructions to appear in this application on behalf of respondent no.1. Mr. A.S. Shelke, learned counsel for respondent no.3 is not present, when the matter is called out.

2. It is stated across the Bar that first appeal no. 1831 of 2013 came to be disposed of under the judgment and order dated 10.02.2018. The appeal preferred by the owner of the vehicle came to be dismissed.

3. So far as the question of statutory deposit of Rs.25,000/- is concerned, this Court vide order dated 12.06.2014 in civil application no. 6481 of 2015 was pleased to allow the applicants to withdraw that amount. Now, applicant no.1 intends to withdraw the entire amount on behalf of the other claimants and seeks directions to that effect. She has placed on record the consent letter vide Exhibit 'B' (page 10) to that effect. The application needs to be allowed.

ORDER

- (i) The applications is hereby allowed in terms of prayer clause (B).
- (ii) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane