

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

**10 CIVIL APPLICATION NO.13106 OF 2019
IN FA/3849/2019**

**FAUZIYABI W/O ABDUL BARI AND OTHERS
VERSUS
THE ORIENTAL INSURANCE CO. LTD., THR ITS DIV. MANAGER,
AURANGABAD AND OTHERS**

...
Advocate for Applicants : Mr. Pathan Hamzakhani I.
Advocate for Respondent No. 1 : Mr. A. G. Kanade
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 22.08.2022

PER COURT :

. This is an application for withdrawal of amount which the appellant - Insurance Company has deposited with this Court.

2. The learned counsel for the appellant - Insurance Company submits that there was breach of policy and, therefore, instead of granting withdrawal the main appeal can be heard. However, 50 % of the deposited amount can be permitted to be withdrawn and remaining amount be retained to safeguard the Insurance Company. Accordingly the applicants are permitted to withdraw 50 % of the deposited amount along with the accrued interest thereon till date on usual undertaking to the satisfactions of Registrar (Judicial) of this

Court. The remaining amount be invested in F.D.R. in any Nationalized Bank till disposal of this appeal. The amount withdrawn by the applicants be distributed to them equally.

3. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-