

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

**37 CIVIL APPLICATION NO.3670 OF 2022
IN FA/159/2021**

**KALABAI DNYANDEO BHAGWAT AND OTHERS
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS DEPUTY MANAGER,
T.P. HUB, AURANGABAD AND ANOTHER**

...
Advocate for Applicants : Mr. Y.K. Shaikh and
Mr. Sartaj H. Pathan
Advocate for Respondent No.1 : Mr. S. R. Bodade
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 22.08.2022

PER COURT :

. Heard rival submissions.

2. The applicants are claiming withdrawal of entire amount of Rs. 10,68,044/- or the maximum possible amount from the same. The learned counsel for the respondent - Insurance Company strongly opposed the application on the grounds that there was fundamental breach of policy condition and false involvement of the vehicle. However, I am of the opinion that 50 % of the deposited amount can be allowed to be withdrawn in the name of applicant No.1 - Kalabai i.e. widow of deceased, at this juncture. As such, applicant No. 1 is allowed to withdraw 50 % of the deposited amount along with

accrued interest thereon till date on usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court. The balance amount of 50 % be invested in F.D.R. in any Nationalized Bank till final disposal of the appeal.

3. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

.....

shp/-