

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

102 FIRST APPEAL NO.229 OF 2013
WITH CA/13156/2015 IN FA/229/2013

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.
VERSUS
SUREKHA NAMDEV GAIKWAD AND ORS

...
Advocate for Respondent Nos.1 to 4: Mr. M. P. Kale

....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 06/02/2023.**

P. C. :

1. The matter is already kept for dismissal since the appellant / insurance company despite service, remained absent. Today also, none appeared on behalf of the appellant / insurance company. As such, the appeal stands dismissed for default.
2. The pending Civil Application No.13156 of 2015 also stands disposed of.
3. The learned counsel for the respondent Nos.1 to 4 / claimants submits that this court vide order dated 09/12/2023 had already permitted respondent No.1 to withdraw an amount of Rs.2,00,000/- on furnishing solvent security. At the same time, the remaining amount falling to the respective shares of respondent Nos.2 to 4 was directed to kept in fixed deposit of any nationalized bank. The learned counsel for the claimants further submits that due to non-availability of surety / security, the respondent No.1 could not withdraw the amount as ordered.
4. Now the appeal is disposed of and therefore, the respondent No.1 is allowed to withdraw the amount of Rs.2,00,000/- alongwith

proportionate interest accrued thereon till date falling to her share. The remaining amounts be disbursed among the respondent Nos.2 to 4 alongwith the proportionate interest accrued thereon, as apportioned by the learned Tribunal. In case, any of the respondent Nos.2 to 4 is found minor, his/her amount be given only after attaining majority.

5. The appeal is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)