

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

909 CIVIL APPLICATION NO.960 OF 2023
IN FA/760/2009

VAISHALI DEVDATTA JIWADE AND OTHERS

VERSUS

M/S NEW INDIA ASSURANCE CO LTD AND ANOTHER

...
Advocate for Applicants : Mr. Jadhavar Santosh S.
Advocate for Respondents : Mr. V.N. Upadhye
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 26th OCTOBER, 2023

PER COURT :

Heard both the sides.

2. The applicant seeks permission to withdraw the amount deposited by the respondent no. 1 – Insurance Company, in this Court. First Appeal No. 760 of 2009, filed by the Insurance Company is pending for final disposal.

3. Learned counsel for the respondent no. 1, has vehemently opposed the request. He would submit that the applicants have been permitted to withdraw more than 50 % amount. It would be difficult to recover the amount in case the Appeal is allowed.

4. Learned counsel for the applicant has stated the urgency and the need to withdraw the further amount.

5. The applicants are permitted to withdraw an amount of Rs. 8 Lakh (Rupees Eight Lakh) by order dated 09th October, 2009. Thereafter, they were permitted to withdraw an amount of Rs. 3 Lakh (Rupees Three Lakh) on furnishing undertaking by order dated 23rd October, 2020. Considering the need expressed by the applicants, they can be permitted to withdraw further amount of Rs. 1 Lakh (Rupees One Lakh).

6. The Civil Application is allowed partly. The applicants are permitted to withdraw the amount of Rs. 1 Lakh (Rupees One Lakh) on furnishing undertaking by the applicant no. 1, to the satisfaction of the Registrar (Judicial) of this Court.

7. The Civil Application is accordingly, disposed of.

[SHAILESH P. BRAHME, J.]