

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

970 CIVIL APPLICATION NO.4902 OF 2021
IN FAST/20219/2016

SONIYA PRAVIN BAGRECHA (JAIN) AND ORS
VERSUS
THE NEW INDIA INSURANCE CO. LTD., AND ORS

Advocate for Applicants : Ms Harsha R. Lomte h/f Mr V.D. Salunke
Advocate for Respondent No. 1 : Mr Ajit Kadethankar

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 24-02-2023

PER COURT :

1. This is second application for withdrawal of the amount. Previously, this Court permitted to the applicants to withdraw 50% of the amount deposited by the respondent No.1/Insurance Company vide order dated 09-06-2017 passed in Civil Application No. 5066/2017. The applicants are contending that the applicant Nos. 2 and 3 are taking education and applicant No.5 is old lady requiring medical assistance. Therefore, they need further amount.

2. The learned advocate appearing for the respondent No.1/Insurance Company opposes the prayer on the ground that no new grounds have been raised in the application. Further, the amount is kept with this Court in the interest of minors.

3. After considering the submissions advanced by the learned advocates appearing for respective parties, I deem it proper to permit the applicants to withdraw Rs.5,00,000/- (Rupees Five Lakhs Only) subject to furnishing usual undertaking.

4. It is made it clear that no further prayer for withdrawal of amount will be entertained after disbursement of the amount as indicated above. The amount shall be kept in Fixed Deposits till disposal of the appeal.

[S.G. CHAPALGAONKAR, J.]

mta