

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.9828 OF 2022
IN
FIRST APPEAL NO.423 OF 2013**

Purna Rajendra Kumbhar (Patil) and ors.Applicants

Versus

1.The New India Assurance Company Ltd.

2. Bharati Bhimrao MoreRespondents

Mr. P. D.Pise, Advocates for the Applicants.

Mr. Tulshiram Kale i/b. Mr. D.R. Mahadik, Advocate for the Respondent No.1.

Mr. P. G. Jagdale, Advocate for Respondent No.2.

CORAM : S. G. DIGE, J.

DATE : 23rd FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for respondent Nos.1 and 2.

2. Learned counsel for the applicants submits that this Court by order dated 12th April 2022 permitted the applicants to withdraw the amount of Rs.2,00,000/- by furnishing security to the satisfaction of the Motor Accident Claims Tribunal, Alibaug. Learned counsel submits that the Tribunal is asking bank guarantee for the said amount. Applicant No.1 is the widow of the deceased and she is unable to give bank guarantee and requested to modify the order.

3. Learned counsel for respondent Nos.1 and 2 objected for modification on the ground that already Court has permitted the application to withdraw the amount and if the applicants want to withdraw the amount, the applicants have to give security. Hence, requested to dismiss the application.

4. I have heard all learned counsel. This Court had already permitted the applicants to withdraw the amount of Rs.2,00,000/-. Applicant No.1 is the widow of the deceased. The applicant needs the amount for her daily expenses and education of her children. Hence, I pass the following order :

1. The application is allowed.
2. The order dated 12th April, 2022 passed by this Court (Coram : S. K. Shinde, J.) is modified as under :
"The applicants are permitted to withdraw Rs.2,00,000/- by furnishing undertaking."

The application is disposed of.

(S. G. DIGE, J.)