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

**13 CIVIL APPLICATION NO. 1487 OF 2024
IN FAST/19931/2023**

**KANTABAI WD/O HARI SONAWANE AND ORS
....Applicants**

VERSUS

**LATE RAJENDRA @ RAJEDAS BHIKANDAS VAISHANV
THROUGH LEGAL HEIR GIRIJA RAJENDRA VAISHNAV AND
ANR
.....Respondents**

Mr. S. S. Ghate, Advocate for the applicants
Mr. A. B. Kadethankar, Advocate for respondent No.2

CORAM : KISHORE C. SANT, J.

DATE : 02nd JULY, 2024

P. C.

1. Heard.

2. This application is for withdrawal of amount deposited by the appellant insurance company in this court.

3. Application is opposed by the learned advocate for the Insurance Company. He submits that though the fact of

accident and that the vehicle was not insured is not denied, however, defense of the Insurance company is that said vehicle was taken on hire basis.

4. Considering the above submission and to secure the interest of both the parties, following order is passed:-

ORDER

a] The applicants are entitled to withdraw 50% of the amount deposited alongwith accrued interest by giving an usual undertaking. Further 25% of the amount alongwith accrued interest is allowed to be withdrawn on giving solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court. Remaining amount be kept in fixed deposit in any nationalized bank to be renewed on annual basis, pending the appeal.

b] With this, application stands disposed off.

[KISHORE C. SANT, J.]