



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 CIVIL APPLICATION NO. 6295 OF 2024
IN FAST/21494/2023

Kalpana Sambhaji Veer And Ors

VERSUS

The Branch Manager Cholamandalam Ms General Insurance Co Ltd And Ors

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Advocate for Applicants : Mr. D.A. Bide

Advocate for Respondent 1 : Mr. A.G. Choudhari

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CORAM : KISHORE C. SANT, J.

Dated : July 04, 2024

PER COURT :-

1. Heard the parties.
2. This application is for withdrawal of amount deposited by the respondent/Insurance Company along with accrued interest in this Court in appeal.
3. The application is opposed by the appellant/Insurance Comapny.
4. However, considering that the applicant No. 1 is widow, who lost her husband in the young age and that applicant Nos. 3 and 4 are old aged parents of the deceased, no purpose would be served by keeping the amount idle in this Court. Considering the above, this Court is inclined to allow applicant Nos. 1, 3 and 4 to withdraw 50% amount to their extent on furnishing usual undertaking and 25% on giving solvent surety/security. So far as the amount to the extent of share of minor applicant No. 2 is concerned, it would be in the interest of justice to keep the same in fixed deposit. Hence, the following order.

ORDER

- (i) Applicant Nos. 1, 3 and 4 are permitted to withdraw 50% of the

amount deposited in this Court to their extent along with accrued interest on furnishing usual undertaking. Applicant Nos. 1, 3 and 4 are also permitted to withdraw 25% of the amount deposited in this Court along with accrued interest on furnishing solventy security/surety to the satisfaction of the learned Registrar Judicial of this Court.

(ii) Balance amount to the extent of share of applicant Nos. 1, 3 and 4 and the amount to the extent of share of minor applicant No. 2 be invested in fixed deposit of any nationalized bank till the disposal of the appeal.

(iii) The applicant No. 2 is at liberty to apply for withdraw on attaining the age of majority.

With this the application stands disposed of.

(KISHORE C. SANT, J.)

ssc/