



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**904 CIVIL APPLICATION NO. 7534 OF 2024
IN FAST/22088/2023**

BHARATI PANKAJ PATIL AND ANR
VERSUS
NEW INDIA INSURANCE COMPANY AND ORS

Advocate for Applicant : Mr. Madhav M. Bhokarikar.

Advocate for Respondent No.1 : Mr. Ramesh Ramdas Imale.

...
AND

**CIVIL APPLICATION NO. 8946 OF 2023
IN FAST/22088/2023**

...
AND

**CIVIL APPLICATION NO. 8947 OF 2023
IN FAST/22088/2023**

CORAM : **KISHORE C. SANT, J.**

DATE : 14th November, 2024.

P.C.:

CIVIL APPLICATION NO. 7534 OF 2024

. Heard the learned counsel for the parties.

2 This application is for withdrawal of the amount deposited in the office of this Court by the appellant.

3 The application is vehemently opposed by the learned counsel for appellant stating that the learned Tribunal while passing the award has considered the income of Rs.12,000/- per month, which is on higher side. The Tribunal has also awarded interest on the amount of future prospectus, which is not legal. In case the amount is withdrawn,

it would be difficult to recover the said amount. He further submits that applicant No.2 is minor and to protect his interest, it is necessary to keep his amount in the fixed deposit. He, thus, opposed the application.

4 Considering the above argument, the following order is passed:-

ORDER

- I. The application is partly allowed.
- II. Applicant No.1 is permitted to withdraw 50% of the amount to her extent alongwith accrued interest on furnishing usual undertaking. Further 25% of the amount of her share with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- III. Applicant No.2 is at liberty to apply for withdrawal of amount to her extent on attaining majority. However, the amount of interest on the amount to her extent be credited to the account of applicant No.1 every quarter.
- IV. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- V. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]