



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

**926 CIVIL APPLICATION NO. 12292 OF 2024
IN FA/2476/2024**

RAHUBAI SOMNATH KASTURE AND ORS
VERSUS
CHATRAPATI CHAMPATRAO KALYANKAR AND ANR

...
Advocate for Applicant : Mr. Vivek Vasantrao Bhavthankar.
Advocate for Respondent No.2 : Mr. Sudhir V. Kulkarni.
...

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

DATE : 21st November, 2024.

P.C.:

. Heard the learned counsel for the parties.

Appeal:

2 Heard.

3 **Admit.**

4 Issue notice to respondents. Mr. V. V. Bhavthankar, learned counsel waives notice on behalf of respondents / claimants on admission.

5 The record and proceedings be called for.

Application for withdrawal of amount:

6 This application is for withdrawal of the amount deposited by the

appellant / insurance company in the office of this Court.

7 Mr. Kulkarni, learned counsel for respondent No.2 vehemently opposes the application stating that there is delay of 5 days in filing the FIR, which creates doubt about the involvement of the vehicle. The driver was not possessing valid driving licence. The income is considered on higher side i.e. Rs.15,000/- per month. The income ought to have been considered as Rs.8,000/- as notional in absence of satisfactory proof of income.

8 Considering the above, the following order is passed:-

ORDER

- I. Applicant No.1 is permitted to withdraw 50% of the amount of her share alongwith accrued interest deposited in this Court on furnishing usual undertaking. Further 25% of the amount with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- II. Applicant Nos.5 and 6 (parents) are permitted to withdraw entire amount of their share alongwith accrued interest deposited in this Court on furnishing usual undertaking.
- III. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.

- VI. Applicant Nos.2 to 4 are at liberty to apply for withdrawal of amount after attaining majority.
- V. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

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