



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

901 CIVIL APPLICATION NO. 217 OF 2024
IN FA/2136/2022

**MINA MUKUSH CHOUDHARI AND ANR
VERSUS
BAJAJ ALLIANCE GENERAL INSURANCE COMPANY LTD THROUGH
MANAGER AND ORS**

...
Advocate for Applicants : Mr. Mukul S. Kulkarni
Advocate for Respondent No.1 : Mr. M. R. Deshmukh
Advocate for Respondent No.2-A : Mr. B. K. Patil
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 10th JANUARY, 2024**

PER COURT:

1. Heard.
2. The application is moved for modification of order dated 27.07.2023.
3. Mr. Mukul S. Kulkarni, learned counsel for the applicants submits that, when this matter was argued, this court had indicated that the applicant no.1 is permitted to withdraw an amount of Rs.10,86,240/- in reference to the clause 3 of the order dated 31.03.2022, passed by the Member, MACT, Dhule in MACP No.83 of 2017. The learned counsel submits that the court had indicated that out of Rs.49,86,240/-, the amount of Rs.10,86,240/- was permitted to be withdrawn. The remaining

part of clause 3 of order dated 31.03.2022 would remain intact with reference to this amount. However, the order which is passed on 27.07.2023 by this court, it is only mentioned that the applicant no.1 is permitted to withdraw Rs.10,86,240/- along with accrued interest thereon. The learned counsel submits that the Registry is interpreting the order as if from the amount of Rs.69,34,421/- deposited in this court an amount of Rs.1086240/- along with accrued interest thereon is directed to be paid to the applicant.

4. The learned counsel for the insurance company has not disputed about the nature of order this court intended to pass, when the matter was argued.

5. Thus, it is clarified that the applicant no.1 is entitled to withdraw Rs.10,86,240/- from the amount of Rs.49,86,240/- along with accrued interest thereon as indicated in clause 3 of the order dated 31.03.2022, i.e. from the date of institution of the claim petition.

6. With the aforesaid clarification, the Civil Application No.217 of 2024 is disposed of.

[ARUN R. PEDNEKER, J.]