



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

**CIVIL APPLICATION NO. 3478 OF 2025
IN FA/465/2007**

**BABAJI GENU SHIROLE AND ORS
VERSUS
THE UNITED INDIA INSURANCE CO. LTD.,
THROUGH ITS DIVISIONAL MANAGER AND ANR**

...
Advocate for Applicants : Mr. Jadhavar Santosh Sampatrao
Advocate for Respondent No.1 : Mr. A. B. Gatne
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 28th MARCH 2025

PER COURT :

1. This application is for permission to withdraw the amount deposited by the Insurance Company in this Court. First Appeal is preferred by the Respondent No.1/Insurance Company against an award of Rs.3,36,000/- with interest. The Respondent deposited an amount of Rs.1,64,596/-. Out of that, applicants were permitted to withdraw and they have withdrawn Rs.1,40,000/-. Thereafter again this Court directed the Insurance Company to deposit balance amount. Accordingly, Rs.4,41,686/- was deposited. By the present application, Applicants are seeking withdrawal of further amount.

2. Learned Counsel for Respondent No.1/Insurance Company opposes the submission and contention of the Applicants. It is

submitted that Insurance Company is not liable to pay amount considering the risk of the cleaner has not been covered. No extra premium was paid. Under these circumstances, the Insurance Company is not liable to pay the amount as is claimed by the Applicants. Still due to the orders of this Court, amount of Rs.4,41,686/- is deposited. It is further contended that First Appeal can be heard finally instead of permitting the Applicants to withdraw further amount.

3. The Applicants are aged parents and there are reasons stated in the application for which they can be permitted to withdraw part of the amount. Considering the contentions of learned Counsel Mr. Gatne for Respondent, I deem it to appropriate to permit the Applicants to withdraw Rs.1,50,000/- further. The First Appeal can be listed for final hearing. I, therefore pass following order :

ORDER

- (i) The Applicants are permitted to withdraw Rs.1,50,000/- on furnishing undertaking.
- (ii) First Appeal be listed for final hearing on 24.04.2025 after urgent admission.

SHAILESH P. BRAHME
JUDGE