



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

CIVIL APPLICATION (CAF) NO.2747 OF 2025

IN

FIRST APPEAL NO.736 OF 2025

Bajaj Alliance General Insurance Co. Ltd. thr. its Branch Manager

.Vs.

Jaipal s/o Tukaram Kumbhare and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions, Court's or Judge's orders.
and Registrar's Orders.

Ms Ashwini Athalye, Advocate for the appellant/applicant.

Ms Aditi Timade, Advocate h/f Mr. K.S. Motwani, Advocate for respondent Nos. 1 and 2.

CORAM : ABHAY J. MANTRI, J.

DATE : 04/08/2025

Applicants/Respondent Nos. 1 and 2 have moved this application to permit them to withdraw the amount along with accrued interest thereon deposited by the appellant, as per their shares and also invest the amount to the share of respondent No.2 in the fixed deposit instead of mutual fund for which learned Advocate for the appellant has objected to the application.

2. I have gone through the application as well as the impugned judgment. In the application, respondent Nos.1 and 2 have not stated the reasons for what purpose they want to withdraw the share of respondent No.2, on the contrary as per the impugned judgment same was directed to be invested in mutual funds till he attained the age of majority, therefore I am not inclined to permit respondent No.1 to withdraw the share of respondent No.2. However, I

deem it appropriate to permit respondent No.1 to withdraw his 40% share along with accrued interest on furnishing usual undertaking.

3. Accordingly, application is partly allowed to the extent of respondent No.1-Jaipal to withdraw his 40% interest along with proportionate interest accrued thereon; the rest of the prayer is rejected at this stage.

4. Registry is directed to transfer 40% amount along with accrued interests thereon to the bank account of the respondent No.1-Jaipal within five weeks on his furnishing usual undertaking and bank account details to the Registry.

5. In view of the above, the application stands disposed of.

(ABHAY J. MANTRI, J.)

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