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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CIVIL APPLICATION NO.346/2016
IN
FIRST APPEAL NO.2665/2015**

Sangita Balwantrao Sonawane & others.
...Applicants..

Versus

The New India Assurance Co.Ltd.
& another.

...Respondents...

.....

Smt.Kazi Sabahat T., Advocate for applicants.
Shri D.P. Deshpande, Advocate for respondent no.1.

.....

CORAM: T.V. NALAWADE, J.

DATE: 15.01.2016

ORDER :

1] There is a dispute over the age of the deceased. The learned counsel for original claimants is relying on *post mortem* report and the learned counsel for the insurance company is relying on copy of identity card issued by the Election Commission. The deceased was

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employed as a teacher in a school.

2] In view of these circumstances, it is desirable that copy of service book or atleast first page of the service book is produced if the birth certificate is not available.

3] This civil application is filed by original claimants for permission to withdraw the compensation amount. The learned counsel for the insurance company has strongly opposed the application.

4] This Court has gone through the judgment delivered to ascertain the nature of evidence and this Court has considered the challenges against the decision. This Court has also considered the evidence on quantum of compensation. It appears that this Court has already done some calculation and after that, the insurance company was directed to deposit an amount of Rs.42,00,000/- as compensation for getting stay.

5] In view of the submissions made and the material available, this Court holds that permission is to be granted to the original claimants to withdraw the entire amount subject to the undertaking that they will deposit the entire amount with interest with the same rate in

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case the matter is decided against them and in favour of the insurance company.

6] In view of above terms, civil application is disposed of.

(T.V. NALAWADE, J.)