

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

928 CIVIL APPLICATION NO. 4962 OF 2016
IN FA/2321/2015

SHOBHABAI PANDHARINATH RATHOD AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. THR ITS BRANCH MANAGER AND
ORS

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Advocate for Applicants : Mr. Shinde Shrikishan S.
Advocate for Respondent No. 1 : Mr. S G Chapalgaonkar.

CORAM : K. L. WADANE, J.

DATE : 21st September, 2017

ORDER:

1. This is an application by the original claimants for withdrawal of amount of compensation deposited by the insurance company in this Court.

2. Learned counsel appearing for the insurance company points out that earlier the original claimants No. 1, 2 and 4 are allowed to withdraw 50 % amount of compensation in proportion to the share allotted by the Tribunal. He further points out that, the insurance company has deposited total amount of compensation of Rs. 10,96,992/-, out of which as per the order of this Court dated 30.10.2015 the claimants No. 1, 2 and 4 have withdrawn the amount of Rs. 3,43,402/-.

3. At the time of the order passed by this Court on

30.10.2015, the applicants No. 3 and 5 were minor. Now, they attain the age of majority and still claimant No. 6 is minor.

4. In view of the above, the claimants No. 3 and 5 are allowed to withdraw 50 % amount of compensation deposited, in proportionate to their share allotted by the Tribunal on their undertaking to this Court that, in the event of adverse orders are passed in the appeal, they would deposit the amount within a period of one month.

5. Civil Application is allowed.

(K. L. WADANE, J.)

mkd