

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

943 CIVIL APPLICATION NO. 9905 OF 2017
IN FAST/29554/2011
WITH FAST/29554/2011

ARCHANA MAHADEV NITNAWARE AND ORS
VERSUS
NATIONAL INSURANCE CO LTD THR BRANCH MANAGER JALNA AND
ORS

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Advocate for Applicants : Mr. Agrawal Pavankumar S.
Advocate for Respondent No. 1 : Mr. A.S. Gatane
Advocate for Respondent No. 3 : Mr. V.S. Panpatte

CORAM : K. L. WADANE, J.

DATE : 8th August, 2017

ORDER:

1. Heard learned counsel for the applicant and learned counsel for the respondents.

2. This is an application for withdrawal of the amount of compensation which was deposited by the respondent No.1 Insurer in this court. Mr. Gatne, learned counsel appearing for the respondent Insurer has strong objection to pay the amount to the applicants.

3. It is a death claim pertaining to the year 2004 and till today, the applicants are deprived from getting compensation. The learned counsel for the respondent has raised objection on the ground that there are good grounds in the appeal.

4. Considering the rival submissions, of the parties, I am of the opinion that at least 50% of the amount alongwith with interest accrued thereon is to be paid to the applicants. Hence following order:

O R D E R

1. The applicants are allowed to withdraw 50% of the amount deposited under the award with interest accrued thereon, on furnishing undertaking that in the event of adverse orders are passed in the appeal, they shall deposit the entire amount within a period of 8 weeks.
2. Remaining 50% amount shall be invested in fixed deposit in the name of the applicants initially for a period of 13 months in any nationalized Bank.
5. The civil application is disposed of

(K. L. WADANE, J.)

JPC