

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

CIVIL APPLICATION NO. 15059 OF 2017

IN FA/3681/2017

MOMIN HABIB BEGUM W/O MOMIN MUKHTARODDIN AND ORS
VERSUS

RELIANCE GENERAL INSURANCE COMPANY LTD., THR ITS
AUTHORIZED OFFICIAL, AURANGABAD

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Advocate for Applicants : Mr. Tungar Hrishikesh V
Mr. A. S. Usmanpurkar For R/1(undertaking Given)

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CORAM : K.L.WADANE, J.

DATED : 15th December, 2017

O R D E R :

Heard learned counsel for both sides.

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

3. Learned counsel for the insurance company opposes the application on the ground that the insurance company has presented the appeal mainly on two grounds, (i) contributory negligence amongst the two drivers and (ii) quantum of compensation.

4. In view of above, Civil Application is allowed. The applicants are permitted to withdraw

60 per cent of the amount of compensation together with accrued interest on the undertaking that in case adverse orders are passed in the appeal, the applicants shall re-deposit the amount in this Court within a period of 12 weeks from the date of such order. Remaining 40 per cent amount shall be invested in fixed deposit in any nationalized bank initially for a period of two years, to be renewable from time to time as per the directions of the Court.

5. Civil Applications is disposed of.

(K.L.WADANE, J.)

dbm