

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

**88 CIVIL APPLICATION NO. 15173 OF 2017  
IN FAST/14430/2017**

**RUPALI GOVIND JOGDAND AND ORS**

**VERSUS**

**TATA AIG GENERAL INSURANCE CO. LTD, THR ITS BRANCH  
MANAGER AURANGABAD AND ORS**

**...**

**Advocate for Applicants : Mr. Swapnil S. Dargad, h/f  
Mr. Deshmukh Mohit R.**

**Advocate for Respondent No.1 : Mr. R.H. Dahat & S.S.  
Patil**

**CORAM : K. L. WADANE, J.**

**DATE : 18<sup>th</sup> December, 2017**

**ORDER:**

1. This is an application for withdrawal of amount of compensation deposited by the insurance company.
2. Heard both sides.
3. Learned counsel for the respondent No.1/ insurance Company opposes the application on the ground that there was negligence on the part of the truck driver. However, since the truck was not insured the driver of the motor-cycle was held to be responsible for the accident. In fact, there was no negligence on the part of the driver of the motor-cycle.
4. In view of the above, at present the Award is in favour of the applicants, therefore, considering the

grounds stated in the appeal-memo, at this stage applicants can be permitted to withdraw 50% amount of compensation.

5. Civil Application is allowed in part.

6. The applicants are permitted to withdraw 50% amount of compensation on furnishing condition that in case adverse orders are passed in the appeal then the claimants will redeposit the same in this Court within a period of 12 weeks.

7. Rest of the 50% amount along with interest accrued shall be invested in any Nationalized Bank initially for a period of two years and thereafter shall be invested from time to time as per the order of this Court.

8. Civil Application for withdrawal of compensation amount is disposed of.

**(K. L. WADANE, J.)**

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