

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

**955 CIVIL APPLICATION NO.13482 OF 2018
IN FA/946/2018**

PADMA WD/O RAVINDRA GAIKWAD
AND ORS

..Applicants

VERSUS

THE DIV. MANAGER, THE ORIENTAL
INSURANCE CO. LTD., AURANGABAD
AND ORS

..Respondents

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Advocate for Applicants : Shri P.C. Mayure;
Advocate for Respondent No.1 : Shri R.F. Totala
Advocate for Respondent No.5 : Shri S.G. Chapalgaonkar

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CORAM : P.R. BORA, J.

Dated: October 31, 2018

PER COURT :

1. Heard Shri Mayure the learned Counsel appearing for the applicants. It is informed that, the Tribunal has held the claimants entitled for the total compensation of Rs.6,46,000/- jointly and severally from respondent nos.1 to 5 in the said claim petition. It is contended that, two vehicles were involved in the alleged accident, which were insured with two different Insurance Companies i.e. The Oriental Insurance Co. Ltd and New India Assurance Co. Ltd. New India Assurance Company Ltd has filed the appeal. The Oriental Insurance Co. Ltd has not preferred the appeal, however, it has deposited 50% of the amount assuming its liability in equal proportion and said amount is lying in this Court. New India Assurance Co. Ltd was also directed to deposit the remaining 50% amount and out of

that, 50% amount is already permitted to be withdrawn by the claimants and the balance amount is directed to be invested in Fixed Deposit Receipt. Applicants are now seeking withdrawal of the amount deposited by the Oriental Insurance Co. Ltd, which has not filed the appeal. I see no difficulty in allowing such withdrawal. Hence, the following order.

ORDER

(i) The applicants are permitted to withdraw the amount of compensation deposited by the Oriental Insurance Company Ltd in this Court.

(ii) Civil Application stands disposed of.

(PR. BORA, J.)

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