

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

925 CIVIL APPLICATION NO. 14286 OF 2018
IN FAST/16854/2017

MOHD. MUSAFIR MOHD. SHARIF ANSARI AND ANR
VERSUS
NEW INDIA INSURANCE CO. LTD., JALGAON AND ANR

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Advocate for Applicants : Mr. Patil Vijay B.
Advocate for Respondent no.1 : Mr. Swapnil Dargad h/f
Mr. S. G. Chapalgaonkar

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CORAM : SUNIL K. KOTWAL, J.

DATE : NOVEMBER 29, 2018

O R D E R :

Heard advocate Mr. Swapnil Dargad holding for Mr. S.G.Chapalgaonkar, learned counsel for respondent no.1. He submits that the accident occurred in premises of private company, and therefore, Section 147 of the Motor Vehicles Act is not applicable in the case at hand.

2. At the stage of application for withdrawal of amount, nothing can be expressed on merits. Considering the nature of litigation and death claim petition, it is desirable to allow the applicants to withdraw

certain amount out of deposited compensation.

3. Therefore, the applicants are allowed to withdraw 50 per cent amount of compensation with accrued interest thereon, subject to filing of written undertaking in this Court, within four weeks from the date of passing of this order. Remaining amount shall be invested in fixed deposit in any Nationalized bank.

4. Civil Application is disposed of.

[SUNIL K. KOTWAL, J.]

dbm