

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

919 CIVIL APPLICATION NO.2645 OF 2019
IN FA/2079/2018

VARSHA SANJAY MULE AND ORS
VERSUS
NEW INDIA ASSURANCE CO. LTD., THR ITS BRANCH
MANAGER,AURANGABAD AND ANR

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Advocate for Applicants : Mr.Mayure Pramod C.
Advocate for Respondent No. 1 : Mr.S. G. Chapalgoankar
(undertaking Given)

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CORAM : SUNIL K.KOTWAL, J.

DATE : 19th MARCH, 2019

O R D E R :

This application is filed by original claimants for withdrawal of compensation amount deposited by the Insurance Company in the Court.

2. Learned counsel for insurance company opposed this application on the ground that the nature of the accident is disputed. According to the learned counsel, the motorcycle involved in the accident was driven by the deceased himself. During the course of arguments, he has referred various documents which are not available before this Court.

3. Learned counsel for applicant supported the judgment passed by the Tribunal.

4. At this stage, it is not desirable anything on merits. However, considering the peculiar nature of the litigation, it is desirable to allow applicant Nos. 1, 5 and 6, to withdraw only 30% of the compensation amount, deposited in this court, with proportionate accrued interest thereon, subject to filing of solvent security/surety, for the said amount, within the period of eight weeks from the date of passing of this order.

5. The balance amount shall be invested in the fixed deposit till final disposal of the appeal.

6. Registrar (Judicial) to act accordingly.

7. Civil Application is disposed of.

[SUNIL K.KOTWAL, J.]

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