

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

72 CIVIL APPLICATION NO.5864 OF 2020
IN FA/3580/2019

REKHA SOMESHWAR YEWALE AND ORS
VERSUS
NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY, AURANGABAD AND ORS

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Advocate for Applicants : Mr. Lakhotiya Pawan K.
Advocate for Respondent No.1 : Mr. S.G. Chaplgaonkar.
Advocate for Respondent No.2 : Mr. N. C. Garud.

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CORAM : V. K. JADHAV, J.
DATE : 04.11.2020

PER COURT :-

1. Heard both the sides.
2. It appears that the respondent / insurer has preferred an appeal against the judgment and award passed by the Tribunal mainly on two grounds. Firstly, to the extent of quantum of compensation and secondly, on the point of negligence.
3. In view of the above, the applicants / original claimants herein are permitted to withdraw the amount to the extent of 50 % since this is a death claim and the bread earner of the family met with an accidental death. Thus, the applicants –

original claimants are permitted to withdraw an amount of Rs.20,00,000/- on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

4. Civil Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-