

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

**CIVIL APPLICATION NO. 7888 OF 2021  
IN  
FIRST APPEAL (ST) NO. 41297 OF 2019**

Suman Pandurang Todkar and Others ..APPLICANTS

VERSUS

New India Assurance Co. Ltd. and Others ..RESPONDENTS

....  
Mr. M.R. Sonawane, Advocate for applicants  
Mr. Mr. S.G. Chapalgaonkar, Advocate for respondent no.1  
....

**CORAM : R.G. AVACHAT, J.  
DATE : 12<sup>th</sup> AUGUST, 2021**

**PER COURT :**

1. Heard. Perused the impugned award.
2. Learned counsel for the respondent – insurance company strongly objects for permission of withdrawal of amount.
3. The appeal has been filed challenging the quantum of compensation with a case of contributory negligence of motorcycle rider.
4. In view of same, the applicants are permitted to withdraw 60% of the amount deposited on submitting an undertaking to the satisfaction of

the Registrar (Judicial) of this Court. Balance 40% amount be invested in fixed deposit in any nationalised bank till disposal of the appeal. Civil application stands disposed of accordingly.

( R.G. AVACHAT, J. )

SSD