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

**CIVIL APPLICATION NO.7596 OF 2020
IN
FA/1815/2020**

**MAHADEV SHANKAR GHORPADE AND OTHERS
VERSUS
M/S NATIONAL INSURANCE CO. LTD., OFFICE AT 201,
AMBERPLAZA, 2ND FLOOR AHMEDNAGAR AND OTHERS**

....

Mr. Amol S. Gandhi, Advocate for the Applicants
Mr. V.N. Upadhye, Advocate for Respondent No.1

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 20th DECEMBER, 2021

PER COURT:-

1. It is an application for withdrawal of amount moved by the applicants.
2. Heard Mr. Amol Gandhi, learned counsel for the applicants and Mr. V.N. Upadhye, learned counsel for respondent no.1. Respondent nos. 2 and 3 seem to be owner and driver respectively.

3. Perused the impugned judgment and award passed by the Motor Accident Claims Tribunal at Ahmednagar in M.A.C.P No.41/2019. The Tribunal seems to have awarded compensation of Rs.14,80,500/- to the claimants with interest at the rate of 9% p.a. The appellant / insurance company has deposited the amount under the award with interest. The question is about withdrawal.

4. Mr. Gandhi, learned counsel for the applicants submits that the applicants may be allowed to withdraw the entire amount of compensation. On the other hand, Mr. Upadhye, learned counsel for respondent no.1 submits that applicants may be allowed to withdraw 50% of the amount deposited by the insurance company.

5. Having regard to the submissions of learned counsel for both the sides, I am convinced to allow the applicants to withdraw 60% of the amount deposited by the insurance company.

ORDER

(i) The applications for withdrawal of amount are hereby allowed in terms of prayer clause (B).

(ii) The applicants / original claimants are permitted to withdraw 60% of the amount deposited by the insurance company

with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(iii) Remaining 40% of the amount of compensation with accrued interest thereon shall be invested in fixed deposit in any nationalized Bank with the clause of renewal.

(iv) The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane