

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

**CIVIL APPLICATION NO. 11318 OF 2021
IN/AND
FIRST APPEAL NO. 3212 OF 2019**

Shilpa Rajiv Sable and Others

..APPLICANTS

VERSUS

United India Insurance Co. Ltd.
Through it's Divisional Manager
and Others

..RESPONDENTS

....

Mr. R.B. Deshpande, Advocate for applicants
Mr. S.S. Rathi, Advocate for respondent no.1

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**CORAM : R.G. AVACHAT, J.
DATED : 22nd OCTOBER, 2021**

PER COURT :

1. Heard.

2. This is a second application for withdrawal of amount of compensation. 40% amount in deposit has already been withdrawn. The deceased was a teacher serving with an aided school. It is informed that the tribunal considered Rs.40,000/- towards deduction from salary.

3. Learned counsel for the applicants – claimants submits to have good case for enhancement, while learned counsel for Respondent no.1 –

insurance company submits that the quantum is under challenge alongwith the issue of contributory negligence.

4. In the fitness of things, the applicants are permitted to withdraw further 25% of the entire amount under the impugned award as against an undertaking. Civil application stands disposed of accordingly.

5. The owner of the vehicle has not yet been served. A paper publication is required for serving him. The appellant – insurance company to take necessary steps to serve the owner of the vehicle.

(R.G. AVACHAT, J.)

SSD