

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CA/14507/2019 IN FA/1901/2015

MANOHAR GOPALRAO NAIK AND OTHERS
VERSUS
NEW INDIA ASSURANCE CO. LTD. THROUGH ITS
DIVISIONAL MANAGER AURANGABAD AND OTHERS

...
Advocate for Applicants : Mr. D.S. Chavan
Advocate for Respondent no. 1 : Mr. S.S. Dargad h/f. Mr. Chapalgaonkar S.G.
Advocate for Respondent no. 2 : Mr. L.B. Palod
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CORAM : ANIL S. KILOR, J.
DATE : 22-03-2021

ORDER :

1. This is an Application moved by the claimants for withdrawal of Rs.10,00,000/- along with interest.
2. Heard learned counsel for the respective parties.
3. Learned counsel for the applicants points out that there is need of the amount lying in this Court. He submits that to the extent of Rs.40,00,000/-, the Insurance Company has accepted the liability and there is no dispute about Rs.40,00,000/-. He further points out that earlier this Court has granted permission to the applicants to withdraw Rs.30,00,000/- on two occasions and in view of that Rs.10,00,000/- are lying along with interest, to which the Insurance Company is not raising any grievance, that may be permitted to be withdrawn by the applicants.

4. Learned counsel appearing for the Insurance Company does not dispute the said position and he submits that to the extent of Rs.10,00,000/-, if the permission is granted, he has no objection. He points out that the applicant no. 3 is 18 years old and the amount of interest would be required in future for his betterment and, therefore, that may not be allowed to be withdrawn at this stage.

5. Considering the reasons stated in the Application and the fact that the Insurance Company is not challenging the quantum to the extent of Rs.40,00,000/- awarded by the Tribunal as compensation, and Rs.30,00,000/- has already been withdrawn by the applicants, remaining amount of Rs.10,00,000/- is permitted to be withdrawn. The amount of interest shall not be allowed to be withdrawn.

6. Accordingly, the Civil Application is disposed of.

[ANIL S. KILOR]
JUDGE

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