

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

**11 CIVIL APPLICATION NO.5083 OF 2022
IN
FA/870/2021**

**ANJALI W/O SAHEBRAO GORE AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THROUGH BRANCH
MANAGER, BEED AND ANOTHER**

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Advocate for Applicants: Mr. Jagtap Akshay Subhash
Advocate for Respondent No.1:
Mr. S. S. Dargad h/f. Mr. S. G. Chapalgaonkar
Advocate for Respondent No.2: Mr.
Moinpasha Shaikh Farid h/f. Mr. A. L. Kanade

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CORAM: SHRIKANT D. KULKARNI, J.

DATE: 02nd MAY, 2022

PER COURT:

1. It is an application for withdrawal of amount moved by the applicants / claimants. Heard Mr. A. S. Jagtap, learned Counsel for the applicants, Mr. S. S. Dargad, learned Counsel holding for Mr. S. G. Chapalgaonkar, learned Counsel for Respondent No.1 / Insurance Company and Mr. Moinpasha Shaikh Farid holding for Mr. A. L. Kanade for Respondent No.2 / the owner of the vehicle.

2. Perused the record. It is a death claim. The Insurance Company has challenged the impugned judgment and award mainly on the ground of breach of policy. Having regard to the facts of the case

and grounds raised in the appeal memo, it would be just and proper to allow the claimants to withdraw 50% of the amount of compensation with accrued interest thereon which would meet the ends of justice. The application is hereby allowed as under-

ORDER

(I) The applicants / original claimants are allowed to withdraw 50% of the amount of compensation with accrued interest thereon, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(II) The remaining balance amount of compensation with accrued interest shall be invested in Fixed Deposit account in any Nationalized Bank for a period of 1 year with renewal clause.

(III) The Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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