

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

11 CIVIL APPLICATION NO.6157 OF 2021
IN FA/366/2022

SWATI SUBHASH FISKE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY, AURANGABAD AND ORS

Mr P.S. Dighe, Advocate for applicants
Mr M.M. Ambhore, Advocate for respondent no.1

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 25th April, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the applicants when applicant No.2 has now become major.
2. Heard Mr P.S. Dighe, learned Advocate for applicants and Mr M.M. Ambhore, learned Advocate for respondent No.1. Perused the order passed earlier by this Court dated 3.3.2017 in Civil Application No.15257 of 2016 in First Appeal St.No.8336 of 2016 with connected matters. This Court was pleased to allow applicant No.1 to withdraw amount of Rs.10 lakhs and applicant No.4 was permitted to withdraw Rs.4 lakhs out of the amount deposited in this Court. The remaining amount was directed to be invested in fixed deposit in the name of minor applicants No.2 and 3 till they attain the majority. Now applicant No.2/Sujit Subhash Fiske has become major. He has completed his Diploma in Engineering and pursuing degree course. He is in Second year of B.E. Mechanical at Pravara Rural Engineering College, Loni, Taluka Rahata, District Ahmednagar. Mr Dighe has placed on record copies of receipts and other papers in order to substantiate such facts and

those copies are taken on record and marked as "X" collectively for identification. I do not see any extra-ordinary circumstance to reject the prayer, particularly on the ground that applicant No.2 has become major and taking education in Second Year Engineering College at Loni. By considering all these facts, I am convinced to allow the application.

ORDER

- (i) The application is hereby allowed.
- (ii) The applicant No.2 is permitted to withdraw 50% of the amount of compensation with accrued interest thereon out of Rs.11,22,164/- deposited by the Insurance Company in this Court, on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court. The remaining amount shall be deposited in fixed deposit account till final decision of the appeal.
- (iii) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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