

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 CIVIL APPLICATION NO.3888 OF 2022
IN FA/2695/2021

SHOBHA W/O NANASAHEB SHINDE AND ORS
VERSUS
DADARAO VISHWAMBHAR BARSale AND OTHERS

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Advocate for Applicants : Mr. Kailas B. Jadhav and Ms. Pallavi Kingaonkar
Advocate for Respondents 1 and 2: Mr. T.B. Bhosle
Advocate for Respondent No.3 : Mr. R.F. Totla

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CORAM : SANDIPKUMAR. C. MORE, J.
DATED : 12th SEPTEMBER, 2022

PER COURT:-

1. Heard rival submissions.
2. The applicants-original claimants are seeking withdrawal of entire amount of compensation which has been deposited in this Court by respondent No.3 Insurance Company. The learned counsel for respondent No.3 Insurance Company has strongly opposed this application on the ground that the offending vehicle, as shown in the F.I.R. was not at all involved in the accident and there was clear cut collusion between claimants and owner of the offending vehicle. He also submits that instead of deciding the withdrawal application the main appeal can be heard expeditiously.

3. However, it appears that the applicants are widow, daughter and parents of the deceased, respectively. In view of the same, 25% of the compensation amount alongwith the accrued interest thereon till today can be allowed to be withdrawn by applicant No.1 at this juncture, who is widow of deceased. Accordingly, applicant No.1 is permitted to withdraw 25% of the compensation amount alongwith accrued interest thereon till today.

4. The remaining amount be invested in FDR in any Nationalized Bank till disposal of the first appeal on year to year renewal basis. The hearing of the first appeal is expedited.

5. Civil application is disposed of.

(SANDIPKUMAR. C. MORE, J.)

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