

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

**944 CIVIL APPLICATION NO.17126 OF 2022
IN FA/1986/2020**

**JIJABAI JAGANNATH BORSE AND OTHERS
VERSUS
WAJIT BAIG HARUN BAIG MIRZA AND OTHERS**

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Mr. Vinod Patil, Advocate for the applicants.
Mr. D.P. Deshpande, Advocate for respondent No.2.
Mr. M.M. Bhokariker, Advocate for respondent Nos.3 to 6.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 20.12.2022.

ORDER:-

1. Heard rival submissions. Applicant No.1 is seeking withdrawal of amount of compensation deposited by the appellant – Insurance Company. The learned Counsel for the appellant Insurance Company strongly opposed the application. The learned Counsel for respondent No.6 Smt. Mangala Jagannath Borse also pointed out that this Court vide order dated 25th April 2022 has permitted respondent No.6 to withdraw amount of Rs. 7,00,000/- from the compensation amount alongwith the interest.

2. The record shows that the total compensation awarded by the learned Tribunal is of Rs. 23,78,486/- excluding the interest. Further, the deceased Jagannath was

having two wives; one Jijabai who is the present applicant No.1 and other is Mangala i.e. respondent No.6. This Court has already permitted Mangala to withdraw amount of Rs.7,00,000/- alongwith the proportionate interest accrued there on. There learned Counsel for respondent No. 6 also submitted that Mangala has received the aforesaid amount. In view of the same, this applicant No.1 can also be allowed to withdraw the amount of Rs. 7,00,000/- from the compensation amount alongwith the interest. Hence following order is passed.

ORDER

- (i) Applicant No.1 is permitted to withdraw the amount of Rs. 7,00,000/- alongwith the proportionate interest accrued thereon till date by furnishing usual undertaking before the Registrar (Judicial) of this Court.
- (ii) The remaining amount be invested in F.D.R. in any Nationalized Bank on yearly renewal basis till final disposal of this appeal.
- (iii) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)