

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.252 OF 2020
IN
FIRST APPEAL NO.319 OF 2012**

Smt. Archana Vinod Nikam and
Ors.

...Applicants

In the matter between

New India Assurance Co. Ltd.

..Appellant

Versus

Smt. Archana Vinod Nikam and
Ors.

...Respondents

...

Mr. Kuldeep Nikam for the Applicants.
Mr. S.M. Dange for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 26th JULY, 2022.

P. C. :-

1. By judgment dated 19/08/2011 passed in M.A.C.P. No.185 of 2008, the M.A.C.T., Nashik awarded compensation of Rs.4,15,000/- to the Applicants herein with interest @ Rs.6% per annum. Pursuant to the said judgment and award the Appellant-Insurance Company deposited compensation of Rs.4,85,000/-. By order dated 12/04/2012 this Court had permitted the Claimants to withdraw compensation of Rs.1,50,000/-. Further by order dated 14/11/2014 the Claimants were

permitted to withdraw further amount of Rs.50,000/-. By this application under consideration the Applicants-Claimants have sought further withdrawal.

2. The material on record prima facie reveals that driver of the vehicle, which was insured with the Appellant-Insurance Company had met with an accident and expired as a result of the injuries sustained in the said accident. No other vehicle was involved. In view of the decision of the Hon'ble Supreme Court in ***Ramkhiladi vs The United India Insurance, Civil Appeal No. 9393 of 2019***, I am not inclined to allow any further withdrawal. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)