

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

939 CIVIL APPLICATION NO.2290 OF 2023
IN FA/1315/2022 WITH CA/9750/2022 IN FA/1315/2022

ANITA NARAYAN SHINGADE CORRECTED NAME OF HUSBAND
AS ANITA NARENDRA SHINGADE AND OTHERS
VERSUS

SHRIRAM GENERAL INSURANCE CO LTD

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Advocate for Applicants : Mr. R. S. Patil

Advocate for Respondent No.1 : Mr. S. S. Rathi

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 23/03/2023.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO. 2290 OF 2023 :

1. The learned counsel for the applicants tendered across the bar certified correct copy of the impugned judgment and award, wherein middle name of applicant No.1, has been corrected. Taken on record.
2. Heard rival submissions.
3. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the appellant-insurance company alongwith the interest accrued thereon.
4. The learned counsel for the insurance company opposed the application on the ground that there was contributory negligence of the deceased to the extent of 50% since it was head on collision. Further, the impugned award has also been challenged on the ground of quantum.

5. Considering the grounds raised by the appellant – insurance company for challenging the impugned award, the applicants at present, are permitted to withdraw 50% from the amount of compensation as per the apportionment determined by the learned Tribunal alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
6. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.
7. The civil application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.9750 OF 2022 :

Since the appellant – insurance company has deposited the entire amount of compensation, the application is made absolute, in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)