

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

923 CIVIL APPLICATION NO.517 OF 2023
IN FAST/25266/2022

MALANBAI GANGADHAR DESHMUKH
VERSUS
NEW INDIA ASSURANCE CO LTD THROUGH ITS BRANCH MANAGER

...

Advocate for Applicant : Mr. Shinde Manoj Dharmaraj
Advocate for Respondents : Mr. M. R. Deshmukh

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 13th JANUARY, 2023

ORDER:

1. Heard rival submissions.
2. The applicants are seeking withdrawal of entire amount of compensation alongwith the accrued interest thereon which has been deposited by the appellant insurance company.
3. The learned counsel for the issuance company strongly opposed the application on the ground that involvement of the vehicle was not in fact established but the learned tribunal wrongly concluded that the Ape rickshaw had in fact caused the accident. Therefore, at this juncture, the applicants are permitted to withdraw only 50% of the compensation amount alongwith the accrued interest thereon

till date as per the same apportionment done by the learned tribunal. The applicants shall furnish usual undertaking while withdrawing the aforesaid amount to the satisfaction of the Registrar (Judicial) of this Court.

4. Application disposed of.

(SANDIPKUMAR C. MORE, J.)

JPChavan