

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

949 CIVIL APPLICATION NO.538 OF 2023
IN FA/1904/2022 WITH CA/11221/2022 IN FA/1904/2022

SMT. ASHABAI NATTU MULE KASAR
VERSUS
NATIONAL INSURANCE COMPANY LTD THROUGH ITS
DIVISIONALMANAGER

...
Advocate for Applicant : Mr. Madhav M. Bhokarikar
Advocate for Respondent no. 1 : Mr. S.V. Kulkarni
...

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 12TH APRIL, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire amount of compensation along with the interest accrued thereon, which has been deposited by the respondent - Insurance Company.
3. The learned Counsel for the Insurance Company strongly opposed the application on the ground that there was contributory negligence on the part of the deceased.
4. However, only one vehicle is involved in the accident and therefore *prima facie* there is no scope for contributory negligence. In

view of the same, the applicant at this stage is permitted to withdraw the 80% of the deposited amount along with the proportionate interest thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

SG Punde