

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

**CIVIL APPLICATION NO.2201 OF 2023 IN
FIRST APPEAL NO. 213 OF 2023**

Anuradha @ Anita Arjun Dhumal
and others

Applicants

Versus

New India Assurance Co. Ltd.

Respondent

Mr. A. P. Bhandari, advocate for the Applicants
Mr. M. M. Ambhore, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 20th February, 2023.

PC :

Heard rival submissions.

The applicants-claimants are seeking withdrawal of entire amount of compensation which has been deposited by the appellant-Insurance Company.

The learned Counsel for the Insurance Company strongly opposed the application on the ground that at the most 50% of the compensation amount can be released at this juncture since there was contributory negligence on the

part of the deceased in the occurrence of accident. However, he fairly submits that it was not head on collision.

In view of the same, the applicants are permitted to withdraw 75% of the deposited amount along with interest at this juncture. Out of the aforesaid amount, amount of Rs.4,40,000/- with proportionate interest accrued thereon, shall be given to applicant no.4- mother of deceased and the remaining amount be distributed among the remaining applicants in equal proportion along with the proportionate interest amounts. The remaining amount be invested in FDR, in the names of applicants no.1 to 3 only, in any Nationalised Bank, on yearly renewal basis till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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Call Record and Proceedings.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb