

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

**921 CIVIL APPLICATION NO.3220 OF 2023
IN FA/2432/2022**

**JYOTI W/O ANIL PATIL
VERSUS
UNITED INDIA INSURANCE CO LTD**

...

Advocate for Applicant : Mr. K. B. Jadhav
Advocate for Respondent No.1 : Mr. S. S. Rathi

....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 10/03/2023.**

P. C. :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the insurance company alongwith the interest accrued thereon.
3. The learned counsel for the insurance company strongly opposed the application on the ground that there was no involvement of the alleged offending vehicle in the accident.
4. The impugned judgment reflects that the eye witness to the accident i.e. CW-3 Subhash has not been believed by the learned Tribunal. Moreover, the driver of the alleged offending vehicle had also claimed that his vehicle was not involved in the accident. It appears that only the pillion rider Lilabai at the time of accident, who did not lodged any report immediately, had infact stated about the accident and the learned Tribunal believed her. In such doubtful circumstances, certain amount needs to be reserved.

There is no question of granting withdrawal by respondent Nos.3 & 4 since they are minor.

5. Therefore, at this juncture only following withdrawals are permitted to the applicant Nos.1, 2, 5 & 6 from their respective shares as apportioned by the learned Tribunal :

Applicant No.1 : Rs.5,00,000/-

Applicant No.2 : Rs.5,00,000/-

Applicant No.5 & 6 : Rs.4,00,000/- each.

The aforesaid applicants are permitted to withdraw the amounts without any interest on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

6. The remaining amounts falling to the shares of applicant 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.

(SANDIPKUMAR C. MORE, J.)