

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

943 CIVIL APPLICATION NO. 3408 OF 2023
IN FIRST APPEAL NO. 1007 OF 2022

SUREKHA BHAGWANDASJI AGRAWAL AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS
DIVISIONAL MANAGER AND OTHERS

...
Mr. S.S. Agrawal – Advocate for Applicants
Mr. M.M. Ambhore – Advocate for Respondent No.1
....

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 16th June, 2023

PER COURT :

1. Heard rival submissions.
2. 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.
3. The learned Counsel for appellant – Insurance Company strongly opposed the application on the ground that, the learned Tribunal has granted excessive amount and there was also contributory negligence on the part of deceased in the

accident, since it was head on collision.

4. In view of the same, the applicants are permitted to withdraw only 50% of the compensation amount from their respective shares as determined by the learned Tribunal alongwith the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

5. The remaining amount be invested in F.D.R. 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