

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

950 CIVIL APPLICATION NO.3130 OF 2023 IN FA/1690/2019

GEETA MAROTI DASARWAD AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORISED
SIGNATORY, ADMINISTRATIVE OFFICER, AURANGABAD

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Advocate for Applicants : Mrs. S. S. Kulkarni
Advocate for Respondent No.1 Mr. D. P. Deshpande
Advocate for Respondent No.2 : Mr. A. T. Kanawade

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 16/03/2023.**

P. C. :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire balance 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 deceased was fare paying passenger and therefore, the insurance company is not liable to cover his risk under the policy conditions. He further submits that already considering this fact, the earlier Bench of this Court had granted withdrawal of only Rs.10 Lakhs and that too in the name of present applicant No.1 i.e. widow of the deceased.
4. However, it appears that now the applicant No.2 has attained majority and also completed his degree course. He, now wants to pursue higher studies and therefore, he is in a need of money. It is significant to note that the learned Tribunal had apportioned the

entire amount of compensation in equal shares for the present applicants and the amounts falling to the shares of applicant Nos.2 & 3 were kept in FDR. The applicant No.3 is still minor, whereas applicant No.1 has already withdrawn amount of Rs.10 Lakhs from her share. In view of the same only applicant No.2 is permitted to withdraw an amount of Rs.10,00,000/- without any interest from his share 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, J.)