

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3545 OF 2023
IN FIRST APPEAL NO. 3567 OF 2022

JYOTI BALASAHEB AKHARE AND OTHERS
VERSUS
NEW INDIA ASSURANCE COMPANY LTD

...
Mr. S.S. Deshpande h/f. Mr. S.B. Deshpande – Advocate for
Applicants
Mr. M.M. Ambhore – Advocate for Respondent No.1
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 27th March, 2023

PER COURT :

1. Heard.
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 respondent – Insurance Company opposed the application on the ground that, the deceased had in fact contributed in the occurrence of accident since he abruptly came before the car while driving his

motorcycle and that there was no proof of his earning.

4. In view of the same and considering the compensation granted by the learned Tribunal and also considering the fact that, applicant no.2 is still minor, the applicant no.1 is permitted to withdraw amount of Rs.10,00,000/- alongwith proportionate interest thereon from her share as apportioned by the learned Tribunal and the applicant no.3 and 4 are permitted to withdraw entire amounts of their share i.e. amount Rs.7,50,000/- each alongwith the interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept 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

Pooja K.