

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

971 CIVIL APPLICATION NO.11031 OF 2023
IN FA/1061/2023 WITH CA/3447/2023 IN FA/1061/2023 WITH
CA/12601/2023 IN FA/1061/2023

SUMAIYABI SABIR PINJARI (ANSARI) AND OTHERS
VERSUS
THE ORIENTAL INSURANCE CO.LTD AND ORS

...
Advocate for Applicants : Mr. Shaikh Samir Ahmad Saifuddin
Advocate for Respondent 1 : Mr. Manoj Shinde h/f. Mr. M.K. Goyanka
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 01/11/2023

PER COURT :

1. Heard the learned counsel for the parties.
2. The Insurance Company has filed the appeal on the ground of contributory negligence and on the quantum of compensation.
3. Civil Application for withdrawal of amount is filed by the claimants i.e. wife and minor son of the deceased. The learned counsel for the Insurance Company has strongly opposed the application.
4. In view of the contentions made in the application, the applicant wife is permitted to withdraw lump-sum amount of Rs.10,00,000/- (Rupees ten lakh) along with the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar Judicial of this Court. The remaining amount be kept in F.D.R. in any nationalized bank on yearly renewal basis till final disposal of this appeal. Civil Application for withdrawal of amount is disposed of accordingly.
5. Since the appellant Insurance Company has deposited the amount of compensation as directed by this Court in this matter, the ad-interim stay granted earlier is confirmed. Stay application is disposed of.

6. The learned counsel for the appellant/Insurance Company submits that he will move an application for paper publication after four weeks in the event the respondent No. 4 does not appear in the matter.

[ARUN R. PEDNEKER J.]

ssc/