

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

**CIVIL APPLICATION NO.5195 OF 2023 IN
FIRST APPEAL ST. NO. 30564 OF 2022**

Ashwini Pandurang Gaikwad & others

Applicants

Versus

Shivaji Namdeo Bhalerao & another

Respondents

Mr. S. S. Deshmukh, advocate for the Applicants

Mr. R. H. Dahat, advocate for Respondent No.2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th April, 2023.

PC :

Heard rival submissions.

The applicant is seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-Insurance Company.

The learned Counsel for the Insurance Company strongly opposed the application on the ground that the deceased, who died in the accident, was in fact, negligent to the extent of 50% and he was also not having valid driving license.

However, it appears that the learned Tribunal has

granted compensation to present applicants no.1, 2 and 4 in equal proportion and the applicant no.2 i.e. son of the deceased is still minor.

Therefore, considering the submissions of the learned Counsel for the appellant-Insurance Company, the applicants no.1 and 4 are allowed to withdraw 75% of their respective shares in the compensation, as determined by the learned Tribunal along with proportion interest accrued thereon, on furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining amount be invested in FDR, in any Nationalised Bank, on yearly renewal basis, till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO.16207 OF 2022 IN
FIRST APPEAL ST. NO. 30564 OF 2022**

Magma HDI General Insurance
Co. Ltd.

Applicant

Versus

Ashwini Pandurang Gaikwad & others

Respondent

Mr. R. H. Dahat, advocate for the applicant.

Mr. S. S. Deshmukh, advocate for the Respondents

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th April, 2023.

PC :

The applicant-Insurance Company is seeking
condonation of delay of only 56 days.

Considering the short period of the delay, it stands
condoned.

Appeal be placed for admission after removal of
office objections, if any.

Civil Application is disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb

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

**CIVIL APPLICATION NO.16208 OF 2022 IN
FIRST APPEAL ST. NO. 30564 OF 2022**

Magma HDI General Insurance
Co. Ltd.

Applicant

Versus

Ashwini Pandurang Gaikwad & others

Respondent

Mr. R. H. Dahat, advocate for the applicant.

Mr. S. S. Deshmukh, advocate for the Respondents

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th April, 2023.

PC :

Since the appellant-Insurance Company has deposited entire amount of compensation along with the interest, the application is made absolute in terms of prayer clause {B}.

Civil Application is disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb