

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

**923 CIVIL APPLICATION NO.4430 OF 2022
IN FA/52/2022**

**HALIMA BEE WD/O GANI SHAIKH AND ANOTHER
VERSUS
NEW INDIA ASSURANCE CO. LTD., THR ITS BRANCH
MANAGER,AURANGABAD AND OTHERS**

...
Advocate for Applicants : Mr. Mayure Pramod C.
Advocate for Respondent : Mr. S. S. Rathi

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 22.02.2023

PER COURT :

Heard rival submissions. The applicants are seeking permission to withdraw entire amount of compensation falling to their respective shares. The learned counsel for the appellant - Insurance Company strongly opposed the application on the ground that the alleged offending vehicle was not in fact involved in the accident itself, but the learned Tribunal wrongly relied upon statement of driver recorded by police.

2. It appears that there are other two claimants to whom the compensation amount has been granted. Moreover, the applicant No. 2 is still minor and therefore I am of the opinion that the amount falling to the share of applicant No.1 can be released at this juncture.

3. As such, the applicant No.1 is permitted to withdraw amount of Rs. 1,50,000/- granted through the learned Tribunal along with the proportion interest thereon by furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The balance amount be kept in F.D.R. in any Nationalized Bank on yearly renewal basis till further order.

4. The other claimants is at liberty to file withdrawal applications for their share as and when they are entitled.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-