

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

926 CIVIL APPLICATION NO.5092 OF 2023
IN FA/3568/2019 WITH CA/13745/2019 IN FA/3568/2019

SANGITA SUNDAR PURI AND OTHERS
VERSUS
NEW INDIA ASSURANCE CO. LTD. THROUGH ITS BRANCH
MANAGER, BEED AND ANOTHER

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Mr. S.S. Dargad, Advocate for sthe applicants.
Mr. S.V. Kulkarni, Advocate for respondent No.1.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 02.08.2023.

ORDER:-

IN CIVIL APPLICATION NO. 5092 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation alongwith the interest accrued thereon, which has been deposited by the respondent - Insurance Company. However, it appears that applicant Nos.2 and 3 are still minor and therefore, their shares from the compensation amount cannot be permitted to be withdrawn at this juncture.
3. The learned Counsel for the Insurance Company strongly opposed the application on the ground that there was false involvement of the offending vehicle.
4. However, it appears that the applicants-claimants had examined two eye witnesses, who had seen the accident. Moreover, it appears that the owner and driver who is present

respondent No.2, has also not disputed involvement of his vehicle in the accident. The learned Counsel for the respondent No.1 Insurance Company pointed out that it was transpired during the investigation made by its officer that the deceased had in fact sustained injuries due to fall from higher place and not because of the accident. However, no cogent evidence to that effect has been brought on record. In view of the same and considering the compensation granted by the learned Tribunal, only applicant No.1 is permitted to withdraw the amount of compensation falling to her share as determined by the learned Tribunal alongwith the interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amounts falling to the shares of applicant Nos.2 and 3 be kept in FDR in any nationalized Bank on yearly renewal basis till they attain majority. After attaining majority, liberty is granted to them to file withdrawal application in respect of their shares.

6. The civil application is accordingly disposed of.

IN CIVIL APPLICATION NO.13745 OF 2019 :

. Since the appellant – Insurance Company has deposited entire amount of compensation as directed by this court, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)