

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4717 OF 2023
IN FIRST APPEAL NO. 522 OF 2009
WITH FIRST APPEAL NO. 522 OF 2009

SHASHIKANT SURYAKANT GIRI AND ANOTHER
VERSUS
UNITED INDIA INSURANCE COMPANY LTD THR BRANCH
MANAGER AURANGABAD AND OTHERS

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Mr. E.P. Sawant – Advocate for Applicants
Mr. A.B. Kadethankar – Advocate for Respondent No.1
Mr. A.B. Gaikwad – Advocate for Respondent Nos.2 and 3

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 10th April, 2023

PER COURT :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of remaining amount of compensation alongwith the interest accrued thereon.
3. The learned counsel for the respondent no. 1 – Insurance Company strongly opposed the application on the ground that, substantial amount of Rs.1,00,000/- is already to be withdrawn by the applicants.

4. However, the appeal is of year – 2009 and the earlier withdrawal order was passed on 25th September, 2009. Therefore, considering the time lapsed after the said order the applicants are permitted to withdraw further 50% amount of the balance amount alongwith the proportionate accrued interest thereon till date on furnishing 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.

FIRST APPEAL NO. 522 OF 2009

7. By consent the appeal is fixed for final hearing on 25th September, 2023.

**[SANDIPKUMAR C. MORE]
JUDGE**

Pooja K.