

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

**921 CIVIL APPLICATION NO.11333 OF 2022
IN FA/3221/2019**

**SONALI NAGNATH KOREWAD AND OTHERS
VERSUS
SANJU S/O BHANUDAS GAIKWAD AND OTHERS**

...
Mr. Dnyaneshwar Pokale, Advocate for the applicants.
Mr. Dhananjay Deshpande, Advocate for respondent No.4.
...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 20th January 2023.

ORDER:-

1. Heard rival submissions. The applicants are seeking permission to withdraw entire amount of balance compensation as deposited by the appellant Insurance Company alongwith the interest. The learned Counsel for the Insurance Company i.e. present respondent No.3 strongly opposed the application on the ground that the Company has challenged the impugned award by raising the objection that the vehicle which is shown as offending vehicle was in fact not involved in the accident. He further pointed out that substantial amount of Rs. 13,00,000/- is already permitted to be withdrawn by the applicants.

2. Admittedly, amount of Rs. 13,00,000/- has been withdrawn by applicant Nos.1, 4 and 5 i.e. Rs. 7,00,000/- by

applicant No.1 and Rs. 3,00,000/- each by applicant Nos.4 and

5. It appears that applicant Nos.4 and 5 have withdrawn excess amount of Rs. 1,00,000/- since only amount of Rs. 5,00,000/- was awarded to them by the learned Tribunal. The learned Tribunal has granted total compensation of Rs. 49,67,564/- and therefore, I am of the view that now the applicant No.1 can be allowed to withdraw amount of only Rs. 5,00,000/- without any interest at this juncture. Hence, the application is partly allowed and applicant No.1 is permitted to withdraw an amount of Rs. 5,00,000/- by furnishing usual undertaking before Registrar (Judicial) of this Court. The remaining amount be invested in F.D.R. in any Nationalized Bank on yearly renewal basis, till final disposal of the appeal.

3. It is made clear that there should not be any further application for withdrawal.

4. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)