

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

**21 CIVIL APPLICATION NO.10828 OF 2022
IN FA/311/2022**

**UJJWALA YUVRAJ SALUNKHE (KOLI) AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LIMITED, THR DIV.
MANAGER, AURANGABAD AND OTHERS**

...
Advocate for Applicants : Mr. Bhokarikar M. M.
Advocate for Respondent No.1 : Mr. M. M. Ambhore
Advocate for Respondent Nos. 5 and 7 : Mr. Wasif Salim Shaikh h/f.
Mr. N.D.Narwadkar (in appeal)
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 23.01.2023

PER COURT :

Heard rival submissions. The applicants are seeking withdrawal of entire compensation amount along with the interest. The learned counsel for the respondent -Insurance Company who has in fact filed this appeal strongly opposed the application on the ground that the deceased was not covered under the policy which was only an Act policy. However, the judgment itself shows that the employee of the Insurance Company in his cross-examination admitted that the deceased was covered under the said policy being a third party.

2. In view of the same, the applicants are permitted to withdraw 75% of the compensation amount along with the proportionate

interest thereon till date as per the apportionment done by the learned Tribunal, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

3. The remaining amount be invested in the F.D.R. in any Nationalised bank on yearly renewal basis till final disposal of this appeal. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-