

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

**CIVIL APPLICATION NO.5239 OF 2023 IN
FIRST APPEAL NO. 3185 OF 2022**

Bibi Begum w/o Abdul Mohmood

Applicant

Versus

The Branch Manager, New India
Assurance Co. Ltd.

Respondent

Mr. R. V. Gore, advocate for the Applicant

Mr. M. R. Deshmukh, advocate for Respondent No.1

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th April, 2023.

PC :

Heard rival submissions.

The applicant is seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-Insurance Company.

The learned Counsel for the appellant-Insurance Company strongly opposed the application on the ground that deceased was getting pension which was more than Rs.40,000/- p. a. And, therefore, the claim under Section 163A of the Motor Vehicles Act, is not maintainable. The learned Counsel for the Insurance Company also submitted

that the *post mortem* report of the deceased was also not on record, which is necessary for deciding the Claim Petition.

However, the learned Counsel for the applicant, submits that when the applicant gave admission in respect of receiving monthly pension, it was only Rs.1500/- and, therefore, the income of the deceased, through pension, comes to Rs.18,000/- p.a.

In view of the same, the applicant herein is permitted to withdraw 75% of the deposited amount along with proportionate interest accrued thereon on furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining amount be invested in FDR, in any Nationalised Bank, on yearly renewal basis, till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO.14913 OF 2022 IN
FIRST APPEAL NO. 3185 OF 2022**

The Manager, New India Assurance
Co. Ltd.

Applicant

Versus

Bebi Begum Abdul Mohmood
and another

Respondent

Mr. R. V. Gore, advocate for the Applicant

Mr. M. R. Deshmukh, advocate for Respondent No.1

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th April, 2023.

PC :

Since the appellant-Insurance Company has deposited entire amount of compensation along with interest, Civil Application is made absolute in terms of prayer clause {B}.

Civil Application is disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb