

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

930 CIVIL APPLICATION NO. 7359 OF 2023
IN FIRST APPEAL NO. 295 OF 2023

UJWALA VIKAS BAGAL AND OTHERS
VERSUS
ICICI GENERAL INSURANCE COMPANY LTD AND OTHERS

...
Mr. D.A. Bide – Advocate for Applicants
Mr. A.G. Choudhari – Advocate for Respondent No.1

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 11th July, 2023

PER COURT :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the Insurance Company alongwith the interest accrued thereon.
3. Learned Counsel for the Insurance Company strongly opposed the application on the ground that, the alleged offending vehicle was at all not involved in the accident. However, it appears that despite calling the concerned witness who had allegedly told the registration number of offending

vehicle to the investigating machinery, the Insurance Company did not examine him. Further, it appears that the learned Tribunal has not granted any amount on account of Future Prospects.

4. In view of the same and considering the compensation granted by the learned Tribunal, the applicants are permitted to withdraw 75% of the compensation amount falling to their respective shares alongwith proportionate interest accrued 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.

[SANDIPKUMAR C. MORE]
JUDGE