

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

**20 CIVIL APPLICATION NO.9582 OF 2022
IN FA/2050/2021**

**VATSALABAI NILKANTH PATIL AND OTHERS
VERSUS
THE ORIENTAL INSURANCE CO. LTD., THR ITS DIV. MANAGER,
AURANGABAD AND ANOTHER**

Advocate for Applicants : Mr. Bhokrikar M. M.
Advocate for Respondent No.1 : Mr. A.G.Kanade

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 23.01.2023

PER COURT :

Heard rival submissions. The applicants / claimants are seeking withdrawal of entire amount of compensation which has been deposited by the Insurance Company who has filed this appeal. The learned counsel for the Insurance Company strongly opposed the application on the ground that the pillion rider whose death occurred in this matter was not at all covered under the policy which was only an Act policy. However, from the judgment itself, it is evident that the Insurance Company failed to produce such policy on record.

2. In view of the above and at this juncture, I am of the opinion that at least 50% of the compensation amount along with the interest can be allowed to be withdrawn by the applicants.

3. As such, the applicants are permitted to withdraw 50% 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.

4. The remaining amount be invested in the F.D.R. in any Nationalized bank on yearly renewal basis till final disposal of appeal.

(SANDIPKUMAR C. MORE)
JUDGE

.....

shp/-