

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

**CIVIL APPLICATION NO. 8115 OF 2023 IN
FIRST APPEAL NO. 519 OF 2023**

Babasaheb Maruti Gavade & others Applicants

Versus

The Manager, New India
Assurance Co. Ltd. & others Respondents

Mr. D. R. Markad, advocate for the Applicants
Mr. S. R. Bodade, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 07th July, 2023.

PC :

Heard rival submissions.

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

However, the learned Counsel for the Respondent-Insurance Company strongly opposed the application on the ground that there was breach of policy conditions at the hands of driver of alleged offending trailer and that the

Tribunal, without there being any evidence about income of the deceased, held his income to the tune of Rs.9000/- per month. Therefore, at this juncture, the applicants are permitted to withdraw only 50% of the deposited amount along with proportionate interest accrued thereon by furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The amount so withdrawn, be distributed equally between the applicants. 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

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