

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

**CIVIL APPLICATION NO. 7134 OF 2023 IN  
FIRST APPEAL ST. NO. 1466 OF 2023**

Aruna Maruti Achawale & others

Applicants

Versus

The Oriental Insurance Co. Ltd.  
And another

Respondents

Mr. S. B. Madde, advocate for the Applicants  
Mr. V. N. Upadhye, advocate for Respondent No.1.

**CORAM : SANDIPKUMAR C. MORE, J.**

**DATE : 26<sup>th</sup> June, 2023.**

**PC :**

Heard rival submissions.

The applicants are seeking withdrawal of entire amounts 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 the learned Tribunal granted exorbitant compensation by considering additional income of the deceased under the

head of agricultural income. He also pointed out that FIR was delayed by 23 days and therefore involvement of vehicle was doubtful. However, the driver of the offending auto rickshaw only raised an objection about the negligence of deceased in the accident.

In view of the same, the applicants herein are permitted to withdraw 60% of the compensation amount falling to their respective shares, as determined by the learned Tribunal, along with proportionate interest accrued thereon by 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. 597 OF 2023 IN  
FIRST APPEAL ST. NO. 1466 OF 2023**

The Branch Manager, Oriental  
Insurance Co. Ltd.

Applicant

Versus

Aruna Maruti Achawale & others

Respondents

Mr. V. N. Upadhye, advocate for the applicant.

Mr. S. B. Madde, advocate for Respondents No.1 to 3.

**CORAM : SANDIPKUMAR C. MORE, J.**

**DATE : 26<sup>th</sup> June, 2023.**

**PC :**

The applicant-Insurance Company is seeking  
condonation of delay of only 124 days.

Considering the short period of the delay, it stands  
condoned.

Appeal be placed for admission after removal of  
office objections, if any.

Civil Application is disposed of.

**(SANDIPKUMAR C. MORE)  
JUDGE**

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

**CIVIL APPLICATION NO. 598 OF 2023 IN  
FIRST APPEAL ST. NO. 1466 OF 2023**

The Branch Manager, Oriental  
Insurance Co. Ltd.

Applicant

Versus

Aruna Maruti Achawale & others

Respondents

Mr. V. N. Upadhye, advocate for the applicant.

Mr. S. B. Madde, advocate for Respondents No.1 to 3.

**CORAM : SANDIPKUMAR C. MORE, J.**

**DATE : 26<sup>th</sup> June, 2023.**

**PC :**

Since the appellant-Insurance Company has deposited entire amount of compensation along with interest, the application is made absolute in terms of prayer clause {A} and disposed of.

**(SANDIPKUMAR C. MORE)  
JUDGE**

adb