

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

**914 CIVIL APPLICATION NO.7967 OF 2023
IN FAST/5516/2023**

**AYESHA W/O FATEAHMED SHAIKH AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS
BRANCH MANAGER AND ORS**

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Advocate for Applicants : Mr. F. K. Patel
Advocate for Respondent No.1 : Mr. S. S. Rathi

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 05/07/2023.**

P. C. :

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. The learned counsel for the insurance company opposed the application on the ground that the offending vehicle was not at all involved in the accident and the FIR was lodged belatedly i.e. after about 40 days. He also submitted that there was collision between claimants and vehicle owner. He also challenged the quantum of compensation.
4. However, it seems that the vehicle owner which was allegedly an offending vehicle, has already admitted involvement of the same in the accident. Further, there appears minor difference in the notional income, which is held by the learned Tribunal. Further, the applicant Nos. 2 & 3 are minor and therefore, there is no question of granting withdrawal of their amounts at this juncture.

In view of the same and considering the compensation granted by the learned Tribunal, only the applicant Nos.1, 4 & 5 are permitted to withdraw compensation amounts falling their shares as determined by the learned Tribunal alongwith the interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amounts falling to the shares of applicant Nos.2 & 3 be kept in FDR 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, J.)