

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO. 8242 OF 2023
IN FIRST APPEAL NO. 2048 OF 2021
WITH CA/10081/2021 IN FA/2048/2021

ANNA GULAB MORE AND OTHERS
VERSUS
THE ORIENTAL INSURANCE COMPANY LTD THR ITS
DIVISIONAL MANAGER AURANGABAD AND OTHERS

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Mr. V.B. Patil – Advocate for Applicants

Mr. A.G. Kanade – Advocate for Respondent No.1

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 10th August, 2023

PER COURT :

CIVIL APPLICATION NO. 8242 OF 2023

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 strongly opposed the application on the ground that, the risk of deceased was not covered since she was travelling in private vehicle and the policy was only an act policy. It is to be noted here that, the applicant No.2 is still minor and therefore there

is no question of withdrawal of her share.

4. However, considering the beneficial object of the act the applicant No.1 is only permitted to withdraw the amount of compensation falling to his share as determined by the learned Tribunal alongwith the interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. The remaining amount falling to the share of applicant No.2 be kept in F.D.R. in any nationalized Bank on yearly renewal basis till she attains majority. After attaining majority she will be at liberty to move withdrawal application.

6. The civil application is accordingly disposed of.

CIVIL APPLICATION NO. 10081 OF 2021

7. Since the applicant – Insurance Company has deposited the entire amount of compensation alongwith the interest, the application is made absolute in terms of prayer clause ‘B’ and disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**