

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

920 CIVIL APPLICATION NO.3140 OF 2023  
IN FA/1973/2021 WITH CA/9553/2021 IN FA/1973/2021

ALKA VILAS JAWALE AND ORS  
VERSUS  
SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH  
MANAGER, JAIPUR AND ANR

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Advocate for Applicants : Mr. P. N. Nagargoje  
Advocate for Respondent No.1 : Mr. S. S. Rath  
Advocate for Respondent No.2 : Mr. Moinpasha Shaikh Farid h/f  
Mr. A. L. Kanade

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**CORAM : SANDIPKUMAR C. MORE, J.  
DATED : 10/03/2023.**

***P. C. :***

**A) ORDER IN CIVIL APPLICATION NO.3140 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 opposed the application on the ground that deceased a was gratuitous passenger in goods vehicle and therefore, insurance company is not liable to pay the compensation.
4. However, it appears that out of the four claimants, only three are before this court for withdrawal. The fourth claimant i.e. father of the deceased is missing since 2021. Moreover, the applicant No.2 is still minor and therefore, his share cannot allowed to be

withdrawn at this stage. In view of the same, the applicant Nos.1 & 3 only are permitted to withdraw the amount of compensation falling to their respective share as apportioned by the learned Tribunal alongwith the proportionate 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 present applicant No.2 and respondent No.3 in the appeal, 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.

**B) ORDER IN CIVIL APPLICATION NO.9553 OF 2021 :**

Since the appellant - insurance company has deposited entire amount of compensation alongwith the interest, the application is made absolute in terms of prayer clause-B and disposed of.

**( SANDIPKUMAR C. MORE, J. )**