

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

**923 CIVIL APPLICATION NO.8782 OF 2023
IN FA/855/2023**

**TARAMATI LALASAHEB KARAD AND ORS
VERSUS
UNITED INDIA INSURANCE COMPANY LTD THROUGH ITS
BRANCH MANAGER AND ORS**

...
Advocate for Applicants : Mr. V. P. Savant
Advocate for Respondent No.1 : Mr. M. R. Deshmukh
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 19/08/2023.**

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. It is to be noted that applicant Nos. 2 to 4 are still minor and therefore, there is no question of releasing their shares in the compensation at this juncture.
3. The learned counsel for the insurance company strongly opposed the application on the ground that the involvement of alleged offending vehicle is itself in doubt since it was traced out after about three months. The witness by whom the investigating machinery got the clue of involvement of the said vehicle, has given so many admissions in his cross examination indicating that he was not present at the spot of accident. However, the owner and driver of the offending vehicle did not dispute involvement of the said vehicle in the accident in their written statement.

4. In view of the same, only applicant Nos.1, 5 & 6 are permitted to withdraw the compensation amounts falling to their respective 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 amount 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.)