

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

929 CIVIL APPLICATION NO. 9834 OF 2023
IN FIRST APPEAL NO. 12 OF 2023
WITH CA/192/2023 IN FA/12/2023

MIRABAI PARMESHWAR MAHARNAWAR AND OTHERS
VERSUS
THE BRANCH MANAGER UNITED INDIA INSURANCE
COMPANY LTD AND ANOTHER

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Mr. S.S. Chapalgaonkar – Advocate for Applicants
Mr. S.S. Rathi – Advocate for Respondent No.1

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 10th August, 2023

PER COURT :

CIVIL APPLICATION NO. 9834 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, there were doubtful circumstances as regards the involvement of offending vehicle such as belated F.I.R. by the so called eye-witness of the accident. However, it appears that the owner

and driver of the offending vehicle have not denied the involvement of the same in the accident.

4. However, considering the submissions advanced by the learned Counsel for the Insurance Company the applicants at this stage are permitted to withdraw 50% of the deposited amount of compensation alongwith the proportionate interest accrued thereon till date as per the apportionment done by the learned Tribunal on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. The remaining amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

CIVIL APPLICATION NO. 192 OF 2023

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**