

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

928 CIVIL APPLICATION NO.220 OF 2023
IN FA/3037/2021 WITH CA/7289/2020 IN FA/3037/2021

ASHWINI DNYANESHWAR PAWAR AND ANR
VERSUS
THE RELIANCE GENERAL INSURANCE CO. LTD., THR ITS LEGAL
OFFICER, AURANGABAD

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Advocate for Applicants : Mr. Shaikh Joyeb I.
Advocate for Respondent : Mr. S. S. Patil
Advocate for Respondent No. 3: V. R. Mundada (in FA No.3037/21)
Advocate for Respondent No.5 : Mr. A. S. Salve in FA/3037/21)

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 10/01/2023.

P. C. :

IN CIVIL APPLICATION NO.220 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of entire compensation amount falling to their share, which has been deposited by the respondent – insurance company, who has filed this appeal.
3. It appears that vide order dated 16/11/2021, this court had allowed withdrawal of 75% of the amount of compensation falling to the share of original respondent No.4 i.e. mother of the deceased. It is significant to note that the present applicant No.2 is minor daughter of the deceased and therefore to safeguard her interest, amount falling to her share as apportioned by the learned Tribunal needs to be kept in FDR till she attains majority.
4. As such, the applicant No.1 is only entitled for certain withdrawal. In view of the same, the application is partly allowed

and the present applicant No.1 Ashwini Dnyaneshwar Pawar is permitted to withdraw 75% of the compensation falling to her share alongwith the proportionate interest thereon accrued till date by furnishing usual undertaking before the Registrar (Judicial) of this court.

5. Her remaining amount of compensation be invested in FDR in any nationalized bank on yearly renewal basis till final disposal of the appeal.

6. Accordingly, application is disposed of.

IN CIVIL APPLICATION NO.7289 OF 2020 :

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

(SANDIPKUMAR C. MORE, J.)