

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

903 CIVIL APPLICATION NO.10672 OF 2023
IN FA/573/2023 WITH CA/1354/2023 IN FA/573/2023

SOPHIYAN MAFHEBUB SHAIKH AND ORS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS BRANCH
MANAGER AND ORS

...
Advocate for Applicants : Mr. S.B. Choudhari
Advocate for Respondent 1 : Mr. A.B. Kadethankar
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 01/11/2023

PER COURT :

1. Heard the learned counsel for the parties.
2. Civil Application for withdrawal of amount is filed by the original claimants i.e. mother and sons of the deceased.
3. The learned counsel for the Insurance Company has strongly opposed the application on the ground that the insured vehicle is not involved in the incident. The Tribunal has rendered the finding that the insured vehicle is involved in the accident.
4. In view of the same, without going into the merits of the application filed for withdrawal of amount, I deem it appropriate to permit the applicants to withdraw 50% of the amount deposited in this Court in the proportion granted by the Tribunal alongwith the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar Judicial of this Court. The civil application for withdrawal of amount is disposed of accordingly.
5. Since the Insurance Company has deposited the amount of compensation as directed by this Court, the ad-interim stay granted earlier

is confirmed. Stay application is also disposed of.

6. Petitioner is permitted to take steps to serve the unserved respondents. List the matter on 3.1.2024.

7. The print and paper book is dispensed with as the learned counsel appearing for the Insurance Company submitted that appeal can be disposed of at admission stage.

[ARUN R. PEDNEKER J.]

ssc/