

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

**983 CIVIL APPLICATION NO.10449 OF 2023
IN FA/296/2023 WITH CA/748/2023 IN FA/296/2023
WITH CA/7691/2023 IN FA/296/2023 WITH
X-OBJ/72/2023 IN FA/296/2023**

**PANDHRI S/O MADHAV BIRADAR AND ANR
VERSUS
THE ICICI LOMBARD GENERAL INS. CO. LTD AND ORS**

...

Advocate for Applicants: Mr. Shinde Ram S.
Advocate for Respondent No.1: Mr. A. G. Choudhari
Advocate for Respondents No.3&4:
Mr. Dhananjay P. Deshpande

...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 31st OCTOBER, 2023**

PER COURT:

1. The first appeal is filed by the insurance company on the ground that deceased himself was negligent in driving the vehicle. However, the tribunal has come to the conclusion that the driver of the insured vehicle was negligent. The present applications are filed for withdrawal of amount deposited by the insurance company. Two application are filed for withdrawal of amount deposited by the insurance company. One

by the parents of the deceased and another by the widow and minor son.

2. As regards the application filed by the parents, the parents are permitted to withdraw 50% of the amount deposited in this court towards their share in a proportion directed by the tribunal.

3. As regards the application filed by the widow and the minor son, the minor son's share at the moment should not be disbursed and it is to be kept in fixed deposit as directed by the tribunal.

As regards the widow is concerned, the widow be permitted to withdraw Rs.30,00,000/- (Rs. Thirty Lacs only) along with accrued interest thereon. The widow would be permitted to move an application towards the educational expenses of the child and any other expenses that may be occurred in future.

4. The amounts to be withdrawn are subject to the usual undertaking to be furnished to the

satisfaction of the presiding Officer of the tribunal.

5. The civil applications for withdrawal of amount are disposed of.

6. The interim stay granted by this court stands confirmed. The civil application for stay stands disposed of.

7. The First Appeal is **admitted**. On admission, the learned counsel waive notice for respective respondents. Call R & P. Office objections, if any, to be removed within a period of four (04) weeks from today.

[ARUN R. PEDNEKER, J.]

marathe