

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

942 CIVIL APPLICATION NO.873 OF 2023
IN FAST/25462/2022 WITH CA/13656/2022 IN FAST/25462/2022 WITH
CA/13657/2022 IN FAST/25462/2022

MANISHA SHANKAR SHRIMANGALE
VERSUS
SHYAM MADANLAL RANDAD

...
Advocate for Applicant : Mr. Shrimant Mundhe
Advocate for Respondent : Mr. M. R. Deshmukh
....

CORAM : SANDIPKUMAR C. MORE, J.
DATED : 24/01/2023.

P. C. :

IN CIVIL APPLICATION NO.13656 OF 2022 :

1. Heard rival submissions.
2. The applicant / insurance company is seeking condonation of delay of 61 days, which appears to be caused due to obtaining sanctions at various stages. There is no strong objection from other side.
3. As such, the delay of 61 days stands condoned.
4. Appeal be placed for admission after removal of office objections, if any. The application is disposed of accordingly.

IN CIVIL APPLICATION NO.13657 OF 2022 :

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

IN CIVIL APPLICATION NO.873 OF 2023 :

1. Heard.
2. The applicant is seeking withdrawal of the entire amount of compensation, which has been deposited by the appellant / insurance company.
3. The learned counsel for the appellant / insurance company strongly opposed the application on the ground that since it was headon collision, the deceased must have contributed to certain extent in the occurrence of accident. He also pointed out that the learned Tribunal has applied wrong multiplier of 15 instead of 14 and also the future prospects to the extent of 50% instead of 30%.
4. As such, considering the above aspects, the applicant at this juncture are permitted to withdraw 60% of the compensation amount of compensation alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.
5. The civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)