

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

**CIVIL APPLICATION NO. 875 OF 2023 IN
FIRST APPEAL NO. 2808 OF 2022**

Tikaram Bhagwan Chavan & others Applicants

Versus

New India Assurance Co. Ltd. & others Respondents

Mr. A. S. Gandhi, advocate for the Applicants

Mr. S. V. Kulkarni, advocate for the Respondent

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 25th April, 2023.

PC :

Heard rival submissions.

The applicants are seeking withdrawal of entire amount of compensation along with the interest, which has been deposited by the appellant-Insurance Company.

The learned Counsel for the Insurance Company opposed the application on the ground that there was breach of policy condition and excessive amount has been granted by considering the income of deceased at higher side.

However, this Court, vide order dated 23.03.2023, in the matter arising out of same accident, has allowed the

applicants no.1 and 2 to withdraw their respective shares since other applicants are minor. The applicants herein are also same.

In view of the same, the applicants no.1 and 2 only are permitted to withdraw their shares from the total amount of compensation, as determined by the learned Tribunal along with proportionate interest accrued thereon on furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining amount, falling to the share of applicants no. 3 to 5, be invested in FDR, in any Nationalised Bank, on yearly renewal basis, till final disposal of this appeal.

These applicants will be at liberty to claim withdrawal of their shares after attaining majority.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 13858 OF 2022 IN
FIRST APPEAL NO. 2808 OF 2022**

The New India Assurance Co. Ltd.

Applicant

Versus

Tikaram Bhagwan Chavan & others

Respondents

Mr. S. V. Kulkarni, advocate for the Applicant

Mr. A. S. Gandhi, advocate for respondents.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 25th April, 2023.

PC :

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.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb