

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 CIVIL APPLICATION NO.13349 OF 2023
IN FA/3811/2023 WITH CA/11327/2023 IN FA/3811/2023

ARCHANA WO MAROTI HIMGIRE AND ANR
VERSUS
HARSH BANSILAL MAKKAD AND ORS

...
Advocate for Applicants : Mr. Ghatge Mahesh V.
Advocate for Respondents No.2 and 3 : Mr. A. S.Usmanpurkar
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 03/11/2023

PER COURT :

1. The present appeals are filed by the Insurance Company on the ground of contributory negligence.
2. In Civil Applications filed for withdrawal of amount of compensation deposited in this Court, heard the learned Advocate for the respective parties. The wife of the deceased/claimant is permitted to withdraw 60% of the amount of her share, deposited in this Court along with accrued interest till date on usual terms and conditions that may be imposed. The minor children's amount be kept in Fixed Deposit. Applications for withdrawal of amount stand disposed of.
3. The applicants are at liberty to move withdrawal of amount kept in fixed deposit, if occasion arises.
4. After submission of usual undertaking by the applicant No.1, the

Registrar (Judicial) is directed to release 60% of deposited amount to her share along with accrued interest thereon till date.

5. In civil applications filed for Stay, the learned Advocate for the applicants submits that the amount has been deposited in this Court as per the directions of this Court. In view of the same, the Stay order passed by this Court dated 08/09/2023, in all the applications for stay, is confirmed. All applications filed for Stay stand disposed of.

6. The appeals are **admitted.**

7. After admission, the learned Advocate Mr. M. V. Ghatge and Mr. L.C. Patil waives service of notice for respective respondents.

8. Liberty to mention for early hearing after six months.

(ARUN R. PEDNEKER, J.)

vj gawade/-.