

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

**923 CIVIL APPLICATION NO.3771 OF 2023
IN FAST/28739/2022 WITH CA/14850/2022 IN
FAST/28739/2022**

**PANKAJ DATTATRAY BANKAR (DIED) THR LRS. DATTATRAY
AAPPA BANKAR AND ORS
VERSUS
CHOLAMANDALAM MS GENERAL INSURANCE COMPANY
LIMITED**

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Advocate for Applicants : Mr. M. S. Shaikh
Advocate for Respondent : Mr. A. G. Choudhari

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 23/03/2023.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO.3771 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the insurance company alongwith the interest accrued thereon.
3. The learned counsel for the insurance company opposed the application on the ground that there was contributory negligence and ground of granting excessive compensation has also been raised.
4. Considering the grounds raised by the appellant – insurance company, the applicant Nos.1 & 2 are permitted to withdraw amount of Rs.10,00,000/- each alongwith the proportionate interest accrued thereon till date and applicant No.3 is permitted to

withdraw her share of Rs.5,00,000/- alongwith the interest accrued thereon, on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount falling to the shares of applicant Nos.1 & 2 be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.14850 OF 2022 :

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

(SANDIPKUMAR C. MORE, J.)