

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO. 6901 OF 2023
IN FIRST APPEAL (ST) NO. 30618 OF 2022
WITH CA/16205/2022 IN FAST/30618/2022
WITH CA/16206/2022 IN FAST/30618/2022

SMT NANDINI DIGESH THAKKAR AND OTHERS
VERSUS
RELIANCE GENERAL INSURANCE COMPANY LTD THROUGH
ITS LEGAL OFFICER AND ANOTHER

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Mr. V.B. Patil – Advocate for Applicants
Mr. S.S. Patil h/f. Mr. R.H. Dahat – Advocate for Respondent
No.1

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 9th June, 2023

PER COURT :

CIVIL APPLICATION NO. 6901 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, the learned Tribunal did not consider aspect of contributory negligence.

4. However, it appears that applicant No.2 is still minor and therefore, her amount of compensation as determined by the learned Tribunal cannot be released unless she attains majority.

5. In view of the same and considering the compensation granted by the learned Tribunal, applicant Nos.1 and 3 are permitted to withdraw entire amounts of compensation alongwith the interest accrued thereon till date falling to their respective shares as determined by the learned Tribunal on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. The amount falling to the share of applicant No.2 be kept in F.D.R. in any nationalized Bank on yearly renewal basis till she attains majority. On attaining majority, she will be at liberty to file separate withdrawal application.

7. The civil application is accordingly disposed of.

CIVIL APPLICATION NO. 16205 OF 2022

8. The appellant – Insurance Company is seeking

condonation of delay of 22 days, which appears to be cause due to obtaining sanctions at various stages. There is not strong objection from other side and therefore the delay of 22 days stands condoned.

9. The appeal be placed for admission after removal of office objections, if any.

10. The application is accordingly disposed of.

CIVIL APPLICATION NO. 16206 OF 2022

11. Since the appellant – Insurance Company has deposited entire amount of compensation alongwith the interest the application made absolute in terms of prayer clause – B and disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**