

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

948 CIVIL APPLICATION NO.13897 OF 2019
IN FA/570/2020

ARUNA JALINDAR RAHANE AND ORS
VERSUS
THE BRANCH MANAGER, THE NEW INDIA ASSURANCE CO.
LTD., THR ITS AUTHORIZED SIGNATORY AND ANR

...
Advocate for Applicants : Mr. Dnyaneshwar A. Bide
Advocate for Respondent no. 1 : Mr. Mohit R. Deshmukh
...

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 12TH APRIL, 2023

PER COURT :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation along with the interest accrued thereon, which has been deposited by the respondent - Insurance Company.
3. The learned Counsel for the Insurance Company strongly opposed the application on the ground that the involvement of the offending vehicle is in serious doubt.
4. However, the owner of the offending vehicle has admitted involvement of the said vehicle in the accident as reflected from police papers. Moreover, though the FIR has been lodged belatedly by one of the injured in the accident, but he was also admitted in the hospital after the accident. In view of the same, the

applicants, at this stage, are permitted to withdraw the 75% of the deposited amount along with the proportionate interest thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The aforesaid amount be distributed amongst the applicants as per the apportionment made by the learned Tribunal.

5. The remaining amount 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.

[SANDIPKUMAR C. MORE]
JUDGE

SG Punde