

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4967 OF 2023
IN FIRST APPEAL (ST) NO. 39742 OF 2018
WITH CIVIL APPLICATION NO. 486 OF 2019
IN FIRST APPEAL (ST) NO. 39742 OF 2018

BANO BAGUM AHMED TAMBOLI AND ANOTHER
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THR ITS
BRANCH MANAGER AURANGABAD AND OTHERS

...
Mr. M.N. Shaikh h/f. Mr. S.S. Kazi – Advocate for Applicants
Mr. M.R. Deshmukh – Advocate for Applicant No.1

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 17th April, 2023

PER COURT :

CIVIL APPLICATION NO. 4967 OF 2023

1. Heard rival submissions.
2. The applicants are seeking withdrawal of entire balance 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for the Insurance Company opposed the application on the ground that, substantial amount is already allowed to be withdrawn under the order dated 18th

October, 2019 of this Court.

4. However, the ground for challenging the impugned award is that the driver of alleged offending vehicle was not having valid driving license. Considering the ground of challenge only the applicant No.1 is now permitted to withdraw the amount of Rs.1,50,000/- from her share as determined by the learned Tribunal alongwith the proportionate interest accrued thereon till date, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till disposal of this appeal.

6. The civil application is accordingly disposed of.

CIVIL APPLICATION NO. 486 OF 2019

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

**[SANDIPKUMAR C. MORE]
JUDGE**