

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

**CIVIL APPLICATION NO.16154 OF 2022 IN
FIRST APPEAL NO. 1052 OF 2022**

Tai Santram Shinde & others

Applicants

Versus

New India Insurance Company

Respondent

Mr. A. N. Barhate Patil, advocate for the Applicants
Mr. S. V. Kulkarni, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 20th February, 2023.

PC :

Heard rival submissions.

The applicants-claimants are seeking withdrawal of entire amount of compensation deposited by Respondent No.1-Insurance Company.

The learned Counsel for the Insurance Company strongly opposed the application on the ground that the learned Tribunal has directed the Insurance Company to pay the compensation amount and then to recover the same from the owner even after holding him liable and as such,

Insurance Company was not at all liable to pay the compensation.

However, the learned Tribunal has given reference of judgment of Hon'ble Apex Court for giving such direction to "pay and recover". Further, it appears that applicants no.2 and 3, who are the sons of deceased, are still minor.

In view of the same, only applicants no.1, 4 and 5 are permitted to withdraw the amounts as per the apportionment made by the learned Tribunal from the compensation amounts along with proportionate interest accrued thereon on furnishing usual undertaking to the satisfaction of the Registrar (J) of this Court. The applicants no.2 and 3, who are minors, are at liberty to file withdrawal application in respect of their shares of compensation on getting majority.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE