

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CIVIL APPLICATION NO.13363 OF 2023
IN FA/3/2023 WITH CA/82/2023 IN FA/3/2023

SMT ARCHANA YOGESH GHUGE AND ORS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS BRANCH
MANAGER AND ORS

...
Advocate for Applicants : Mr. Mayure Pramod C.
Advocate for Respondent No.1 : Mr. M. R. Deshmukh
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 03/11/2023

PER COURT :

1. Heard the learned Advocate appearing on behalf of respective parties.
2. The present appeal is filed by the Insurance Company against the order of the Tribunal on the ground of quantum of compensation granted by the Tribunal and also on the ground of contributory negligence of the deceased.
2. In application for withdrawal of amount, without going into the merits of the matter, I deem it appropriate to allow the applicant widow and parents of deceased to withdraw 70% of the compensation amount along with accrued interest thereon till date to the extent of their shares as directed by the Tribunal, subject to filing of undertaking

to the satisfaction of the Registrar Judicial of this Court. Minor applicants share be kept in fixed deposit in any nationalize bank. Application for withdrawal of amount stands disposed of. Applicants are permitted to move an application for withdrawal of amount kept in fixed deposit as and when exigency arises.

3. In civil application filed for Stay, the learned Advocate for the applicant submits that the amount has been deposited in this Court as per the directions of this Court. In view of the same, the Stay order passed by this Court dated 20/06/2023, in the application for stay, is confirmed. The application filed for Stay stands disposed of.

4. The appeal is **admitted**.

5. After admission of the appeal, the learned Advocate Mr. P. C. Mayure waives service of notice on behalf of respondents No.1 to 3.

(ARUN R. PEDNEKER, J.)

vj gawade/-.