

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

939 CIVIL APPLICATION NO. 564 OF 2023
IN FIRST APPEAL NO. 4157 OF 2022

JIJABAI PRAKASH PATIL-SURYAWANSHI
VERSUS
NEW INDIA ASSURANCE COMPANY LTD

AND

940 CIVIL APPLICATION NO. 565 OF 2023
IN FIRST APPEAL NO. 905 OF 2023

MANISHA SAMADHAN PATIL
VERSUS
NEW INDIA ASSURANCE COMPANY LTD

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Mr. P.C. Mayure – Advocate for Applicants

Mr. A.S. Usmanpurkar – Advocate for Respondent No.1

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 16th June, 2023

PER COURT :

CIVIL APPLICATION NO. 564 OF 2023

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1. Heard rival submissions.
2. The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the appellant – Insurance Company alongwith the interest accrued thereon.

3. The learned Counsel for appellant – Insurance Company strongly opposed the application on the ground that, there was no involvement of the offending vehicle in the accident. However, the impugned judgment itself indicates that, there were two eye-witnesses of the accident and the Investigating Officer also examined by the respondents – claimants alongwith one eye-witness. Moreover, the driver and owner of the offending vehicle has also admitted the involvement of his vehicle in the accident. Except the ground of non involvement there is no other ground of challenge.

4. In view of the same, the applicants are permitted to withdraw entire amount of compensation alongwith the interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

5. The amount be distributed as per the apportionment done by the concerned Motor Accident Claims Tribunal.

6. The civil applications are accordingly disposed of.

FIRST APPEAL NO. 4157 OF 2022

FIRST APPEAL NO. 905 OF 2023

7. Heard.

8. **Admit.**

9. Learned Counsel – Mr. A.S. Usmanpurkar waives service of notice for respondent No.1 in both these appeals.

[SANDIPKUMAR C. MORE]
JUDGE