

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

940 CIVIL APPLICATION NO.6201 OF 2023
IN FA/1674/2016

SUNDERABAI YADAVRAO NAWAL AND ANR
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. THR ITS DIVISIONAL
MANAGER, AURANGABAD AND OTHERS

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Advocate for Applicants : Mr.Vinayak. D. Patnurkar
Adv. for Respondent No.1: Mr. M.M. Ambhore.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 28TH JULY, 2023

ORDER :-

Heard.

2. This is an application for withdrawal of amount deposited by respondent insurance company.

3. The Motor Accidents Claim Tribunal at Aurangabad allowed the claim for compensation filed by the claimants/applicants. The compensation was granted in favour of the claimants as well as respondent No. 3 and 4 as per award. The apportionment is made by the tribunal in clause number 4 to 7 of the operative part. The appeal filed against the said order by the insurance company is also dismissed. In that view of the matter there is no impediment in permitting the applicants to withdraw compensation falling to their share in terms of the order dated 7th December 2010 passed by the Tribunal in MACP No. 196 of 2003. Since the applicant No.2 is expired, the compensation amount falling to his share be released in favour of the applicant No.1.

3. Hence, the order :-

O R D E R

- [i] The application is allowed in terms of prayer clause (B).
- [ii] The applicant no.1 is permitted to withdraw the amount falling to the share of applicant Nos. 1 and 2 alongwith interest accrued thereon.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-