

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 16411 OF 2023
IN
FIRST APPEAL NO.1091 OF 2016**

Mohini Pankaj Jagtap and ors.Applicants
Versus
The New India Assurance Co. Ltd. and ors. ...Respondents

Ms. Amrin Khan i/b. Mr. Avinash Gokhale, Advocate for the
Applicants/Respondent Nos.1 to 3 in FA.
Mr. Devendranath S. Joshi, Advocate for Respondent/ Insurance
Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th NOVEMBER, 2023.

P.C. :

1. By this application, applicant No.3 is seeking withdrawal of compensation amount.
2. Learned counsel for applicant submitted that this Court (Coram : Anuja Prabhudessai, J) by order dated 8th July 2022 has permitted applicant Nos. 1 and 2 to withdraw the amount. At that time, applicant No.3 was minor, hence her application was not considered. Now applicant No.3 has become major and she is pursuing MBBS, she needs the amount for her education purpose. Hence, requested to allow application.

3. Learned counsel for respondent/Insurance Company objected for it stating that already amount is withdrawn by applicant Nos.1 and 2.

4. I have heard both learned counsel. Applicant No.3 is pursuing MBBS degree. She needs the amount for education purpose. Considering this fact, I pass following order :

ORDER

1. Application is allowed.
2. Applicant No.3 is allowed to withdraw 50% compensation amount which comes to her share, out of the deposited amount along with accrued interest thereon on furnishing usual undertaking.

Interim Application stands disposed of.

(SHIVKUMAR DIGE, J.)