



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

**5 CIVIL APPLICATION NO. 1460 OF 2024
IN FA/2914/2023**

MEENABAI BALIRAM PATIL AND OTHERS
VERSUS
SK IQBAL RABBANI SHAIKH AND ORS

Mr.V.D. Patnoorkar, Advocate for the applicants.
Mr.M.R. Deshmukh, Advocate for respondent Nos. 1 and 2.

CORAM : KISHORE C. SANT, J.
DATE : 31.07.2024

PC :-

01. Heard learned Advocates for the parties. This application is filed for withdrawal of the amount deposited by the insurance company in this Court as per the impugned judgment and award.

02. This application is opposed by learned Advocate Mr. Deshmukh stating that no grounds are involved in the appeal. There is negligence on the part of the owner of the tractor vehicle and thus this is a case of contributory negligence.

03. However, considering that even in the case of contributory negligence, claimants should be entitled to receive compensation and only question is about proportion, this Court is inclined to pass following order :-

ORDER

(i) The applicants-claimants are entitled to withdraw amount to the extent of 50% of the amount deposited in this

Court on giving usual undertaking along with accrued interest.

(ii) The applicants-claimants are further permitted to withdraw 25% of the amount deposited on furnishing solvent security/surety to the satisfaction of the learned Registrar (Judicial) of this Court.

(iii) Remaining amount shall be invested in fixed deposit of any nationalized bank to be renewed from time to time till disposal of the appeal.

(iv) The civil application is accordingly allowed and is disposed off.

[KISHORE C. SANT, J.]