



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**925 CIVIL APPLICATION NO. 2815 OF 2024
IN FAST/22616/2023**

SUVARNA NAMDEO MOHITE AND ORS
VERSUS
RELIANCE GENERAL INSURANCE CO LTD AND ORS

...
Advocate for Applicant : Mr. P. G. Tambade, h/f Mr. Abhijeet P. Avhad.
Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar.

...

AND
**CIVIL APPLICATION NO. 9228 OF 2023
IN FAST/22616/2023**

RELIANCE GENERAL INSURANCE CO LTD C9 C10 SECOND FLOOR A B
C COMPLEX ADALAT ROAD AURANGABAD
VERSUS
SMT SUVARNA NAMDEO MOHITE AND 6 OTHERS

...
Advocate for Applicant : Mr. Aniruddha S. Usmanpurkar.

...

AND
**CIVIL APPLICATION NO. 9229 OF 2023
IN FAST/22616/2023**

RELIANCE GENERAL INSURANCE CO LTD C9 C10 SECOND FLOOR A B
C COMPLEX ADALAT ROAD AURANGABAD
VERSUS
SMT SUVARNA NAMDEO MOHITE AND 6 OTHERS

...
Advocate for Applicant : Mr. Aniruddha S. Usmanpurkar.

...

CORAM : **KISHORE C. SANT, J.**
DATE : 11th October, 2024.

P.C.:

. Heard the learned counsels for both the parties.

2 CIVIL APPLICATION NO. 2815 OF 2024 is for withdrawal of the amount deposited in the Court by the appellant/insurance company. The application is opposed by learned counsel Mr. Usmanpurkar, learned counsel for the appellant. He submits that substantial grounds are taken in the appeal. The learned Court has awarded the amount on higher side under the head of non-pecuniary damages. The Court has awarded more than Rs.4,00,000/-. The deceased was of 46 years of age, still the future prospectus are considered at the rate of 40% instead of 25%. He also submits that there is also a ground of negligence taken in the appeal.

3 Considering the above, the following order is passed.

ORDER

- I. The applicants are permitted to withdraw 50% of the deposited amount alongwith accrued interest on furnishing the usual undertaking.
- II. With this, the civil application for withdrawal of amount is disposed of.

On Stay application:

4 Since the amount as per the impugned judgment and award is

already deposited in this Court, there shall be stay to the impugned judgment and award till the pendency of the appeal.

[KISHORE C. SANT, J.]

nga