



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

17 CIVIL APPLICATION NO. 3045 OF 2024
IN FA/4514/2023

SAVITA W/O PANDIT RATHOD AND ORS
VERSUS
THE DIVISIONAL OFFICER THE NEW INDIA ASSURANCE
COMPANY PVT LTD AND ORS

...
Advocate for Applicant : Mr. Kolhe Mukund L.
Advocate for Respondent No. 1 : Mr. S.V. Kulkarni
...

CORAM : KISHORE C. SANT, J.
DATE : 15th JULY, 2024.

PER COURT :

1. Heard. This application is by the Original Claimants Nos. 1 to 3 for withdrawal of the amount deposited by the Insurance Company/appellant in this Court, pursuant to the judgment and award passed by the learned Member, MACT, Jalna, in MACP No. 1 of 2022.

2. This application is opposed by the learned Advocate for the Insurance Company on the grounds of contributory negligence and application of proper multiplier are raised in the appeal. However, considering that the Claimants are less earing

member of the family and the amount is getting idle in this Court, this Court is inclined to pass following order :

ORDER

- a) The application stands allowed.
- b) The applicants are allowed to withdraw 50% of the amount deposited to the extent of their share along with accrued interest subject to filing of the usual undertaking.
- c) Further 25% of the amount of the deposited amount is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar, (Judicial) of this Court.
- d) The balance amount be invested in a Fixed Deposit, in any nationalized bank, to be renewed from time to time till the disposal of the main appeal.
- e) Since the respondents/applicant Nos. 2 and 3 herein are still minor, the amount of compensation to their extent be invested in fixed deposits in any nationalized bank and the interest be credited in their accounts till they attained the majority. They will be entitled to

get the amount after they attained the majority.

f) Civil Application stands disposed off.

**(KISHORE C. SANT)
JUDGE**

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