



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

66 CIVIL APPLICATION NO. 3554 OF 2024
IN FA/4401/2023

Ashabai Chandrakant Darade And Ors
VERSUS
New India Assurance Co. Ltd. Through its Branch Manager & Ors.

...
Advocate for Applicants : Mr. S.S. Dargad
Advocate for Respondent 1 : Mr. S.R. Bagal

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CORAM : KISHORE C. SANT, J.

Dated : June 28, 2024

PER COURT :-

1. Heard the learned advocate for the parties.
2. This application is filed by the original claimants for withdrawal of the amount of compensation deposited by the Insurance company in this Court.
3. After hearing the parties, this Court finds that substantial grounds as regards the non involvement of the vehicle is raised in this appeal and that is the main ground on which the application is vehemently opposed by the learned advocate for the respondent/Insurance Company. This Court finds that following order would meet the ends of justice.

ORDER

(i) The application is partly allowed. The applicants are entitled to withdraw 50% of the amount deposited in this Court by the Insurance Company along with accrued interest as per the proportion given in the impugned award by filing an undertaking that in the event, the appeal is allowed, the applicants shall redeposit the amount within twelve weeks thereafter. The application is disposed of.

(KISHORE C. SANT, J.)