



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

907 CIVIL APPLICATION NO. 12996 OF 2023

IN FA/2014/2021

WITH CIVIL APPLICATION NO. 9736 OF 2021

IN FA/2014/2021

MANJUSHA W/O ASHOK SAGAR AND ORS

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. THR ITS DIVISIONAL
MANAGER, AMRAVATI AND ORS

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Advocate for Applicants : Mr. Shinde Ashish Balaji.

Advocate for Respondent Nos.1 & 2 : Mr. A. S. Usmanpurkar.

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CORAM : S. G. MEHARE, J.

DATE : 01.03.2024

PER COURT :-

1. Heard the respective learned counsels for the parties.
2. The insurer has objection to pay the amount on the ground that the deceased was self negligent. He rammed with a stationary vehicle. It has also been the objection that the wife of the deceased is in service and his sons were not dependent on him.
3. Perused the impugned judgment and award. The issues raised in the appeal memo needs to be considered on merits. Considering the facts and circumstances of the case, following order is passed.

ORDER

- (i) The application is partly allowed.
- (ii) The applicants are allowed to withdraw Rs.1,00,00,000/- (Rupees One Crore) from the amount deposited with the Court with accrued interest thereon with an undertaking that they would deposit the money, if the impugned judgment and award is reversed. The amount should be apportioned equally out of the share of each applicant from the amount allowed to be withdrawn, 50% of their share shall be deposited in fixed deposit in any of the Nationalized Bank of their choice, with a right to receive interest at quarterly rest.
- (iii) Call R and P.
- (iv) Last opportunity is granted to the appellant to take steps to bring the legal heirs of deceased respondent No.4.
- (v) Stand over to 22.04.2024.

(S. G. MEHARE, J.)

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vmk/-