



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5219 OF 2024
IN FA/61/2024

Smt Kaveri W/o Babanraobiradar And Ors

VERSUS

United India Insurance Co Ltd Through Its Branch
Manager And Ors

- Ms. S. P. Chate, Advocate for the Applicants
- Mr. S. S. Rathi, Advocate for Respondent No. 1
- Mr. B. G. Parnerkar h/f Mr. R. B. Mule, Advocate for Respondent No. 4

CORAM : KISHORE C. SANT, J
DATE : AUGUST 30, 2024

PER COURT :

1. Heard parties.
2. This application is for withdrawal of the amount deposited by the Insurance Company in the office of this Court.
3. Application is opposed by the learned Advocate Shri. Rathi stating that the Appeal is filed on substantial ground of the negligence of the deceased and secondly the driver was not having a valid driving license.

4. Considering rival contention, this Court feels that no purpose would be served by depriving Applicants of the amount of compensation when they have lost earning member of the family. Hence, following order:

O R D E R

- (a) Application is allowed.
- (b) Applicant Nos. 1, 4 and 5 are permitted to withdraw 50% amount of compensation of their share of the amount deposited in this Court along with accrued interest on giving undertaking that in case Appeal is allowed, they shall redeposit amount within 12 weeks from such judgment.
- (c) Further amount of 25% of their share is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- (d) Remaining amount to the share of Applicant Nos. 1, 4 and 5 be deposited in fixed deposit in any nationalized bank on periodical basis.
- (e) So far as Applicant Nos. 2 and 3 are concerned, as they are minor, they are at liberty to apply for withdrawal of the amount after attaining age of majority. Till then, amount to their extent be kept in fixed deposit in any nationalized bank on periodical basis.

(KISHORE C. SANT, J.)