



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

8 CIVIL APPLICATION NO. 7513 OF 2024
IN FIRST APPEAL NO. 1969 OF 2024

NURJAN W/O JAINUDDIN SHAIKH AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS
BRANCH MANAGER AND ANOTHER

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Mr. Shaikh Sohail Yusuf – Advocate for Applicants
Mr. Amol G. Vasamatkar – Advocate for Respondent No.1

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CORAM : KISHORE C. SANT, J.
DATE : 18th DECEMBER, 2024

PER COURT :

CIVIL APPLICATION NO. 7513 OF 2024

1. Heard the parties.
2. This application is filed for withdrawal of the amount deposited by the appellant/Insurance Company in this Court. The application is opposed by the learned Counsel for appellant. He submits that, there is a case of contributory negligence made out by the Insurance Company which is not considered by the Tribunal. However, considering that the applicant No.1 is widow and Nos.2 and 3 are the children of the deceased, the application stands allowed to some extent. Considering the above, following order :

ORDER

(a) The applicants are permitted to withdraw 50% of the amount with accrued interest on giving undertaking to the office of this Court. Remaining amount be kept in fixed deposit of any nationalized bank.

(b) The civil application stands disposed of.

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3. Heard.

4. **Admit.**

5. Call for record and proceeding.

6. The parties are put to notice that if the Court gets time, the appeal will be heard for final disposal at the stage of admission.

7. Stand over to 12th February, 2025.

[KISHORE C. SANT, J.]