



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**64 CIVIL APPLICATION NO. 5137 OF 2024
IN FA/4196/2023**

RAJIYA AYUB TADAVI AND ORS
VERSUS
NEW INDIA INSURANCE COMPANY AND ANR

...
Advocate for Applicant : Ms. Kirti Deshpande, h/f Mr. Madhav M. Bhokarikar.
Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar.
...

CORAM : **KISHORE C. SANT, J.**

DATE : 17th October, 2024.

P.C.:

. Heard the learned counsel for the parties.

2 The application is for withdrawal of amount. The application is heavily objected by Mr. Usmanpurkar, learned counsel for the insurance company. He submits that serious dispute is raised about quantum of income of the deceased. He submits that in 2017 the Court has taken the notional income of Rs.6,000/- per month and has awarded the compensation, which is on higher side. However, considering that the claimants have lost the earning member of the family, this Court is inclined to allow the application. Hence, following order:

ORDER

- I. The applicants are permitted to withdraw 50% of the amount alongwith accrued interest deposited in this

Court on furnishing usual undertaking. Further 25% of the amount with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.

- II. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

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