



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

924 CIVIL APPLICATION NO. 11360 OF 2024
IN FA/2330/2023
WITH
CIVIL APPLICATION NO. 7242 OF 2023
IN FA/2330/2023

SAVITA VASANT KALAMKAR
VERSUS
NEW INDIA INSURANCE CO LTD THE BRANCH MANAGER AND
ORS

...
Advocate for Applicant : Mr. Deshmukh Manisha Digambar
Advocate for Respondent No. 1 : Mr. Sudhir V. Kulkarni
Advocate for Respondent Nos. 2 & 3 : Mr.Dattatraya R. Markad
...

CORAM : KISHORE C. SANT, J.

DATE : 24.10.2024.

PER COURT :

WITHDRAWAL

1. Heard the parties.
2. This application is filed for withdrawal of the amount deposited by the appellant insurance company in the office of this Court. The applicant is the mother of the deceased. Now her husband also died during the pendency of the proceedings. The

amount of compensation granted is Rs. 11,00,000/-.

3. The application is vehemently opposed by the learned Advocate Mr. Kulkarni for the appellant insurance Company.

4. Considering the above, the application deserves to be allowed. Hence this Court is inclined to pass following order :

ORDER

- (i) The Civil Application stands allowed.
- (ii) Applicant is permitted to withdraw 50% of the amount deposited in this Court along with accrued interest as per the impugned judgment and award on furnishing usual undertaking.
- (ii) Further 25% of the amount deposited alongwith accrued interest as per impugned judgment and award is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar, (Judicial) of this Court.
- (iii) Remaining 25% of the deposited amount alongwith interest as per the impugned judgment and award, be deposited in Fixed Deposit, in any nationalized bank, to be renewed from time to time till disposal

of the appeal.

(iv) With this the Civil Application stands disposed off.

STAY

1. Heard. Since the amount is already deposited in the office of this Court, in view of the same, there shall be stay to the impugned judgment and award till the final disposal of the appeal.

2. The Civil Application stands disposed off.

FIRST APPEAL

1. Heard.

2. Call R & P.

**(KISHORE C. SANT)
JUDGE**

mahajansb/