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

**117 CIVIL APPLICATION NO. 7336 OF 2024
IN FAST/6190/2024**

SALEEM IBULAL BAGWAN AND ANR

....Applicants

VERSUS

**THE ORIENTAL INSURANCE CO.LTD NEAR BANK OF
MAHARASHTRA AND ANR**

.....Respondents

Mr. S. B. Choudhari, Advocate for the applicants

Mr. Manoj Shinde, Advocate h/f Mr. M. K. Goyanka, Advocate
for the respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 12th SEPTEMBER, 2024

P. C.

1. Heard the parties.

2. This application is for withdrawal of the amount deposited by the appellant in this court.

3. The application is vehemently opposed by the learned advocate for the appellants. He submits that in this case

deceased was hardly of 14 years of age. He was a pillion rider on the motor cycle of his father i.e. claimant No.1. Though the accident took place on 07-08-2017 FIR came to be lodged for the first time on 16-11-2017 i.e. near about three and half months later. He submits that as per legal position child is entitled to fixed amount i.e. Rs.3 lakhs. He submits that this case is about contributory negligence.

4. Learned advocate for the applicants submits that out of the amount of compensation of Rs.22,18,400/-. Medical Expenses Rs.10,58,400/- ought to have been given towards compensation. He submits that the appellant has deposited Rs.32,07,959/- alongwith interest in the office of this court.

5. Considering the above, following order:

ORDER

a] The applicants are entitled to withdraw Rs.10 lakhs on giving undertaking that in case, appeal is allowed they shall re-deposit the said

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amount alongwith interest in the office of this court within twelve weeks. Further Rs.5 lakhs is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court. Remaining amount be fixed in a fixed deposit in any nationalized bank to be renewed from time to time till final disposal of the appeal.

b] The application stand disposed off.

[KISHORE C. SANT, J.]

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