



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

**CIVIL APPLICATION NO. 8356 OF 2023
IN FA/3187/2022**

Smt Varasha Wo Gautam Jadhav And Ors

VERSUS

The Branch Managernew India Assurance Co Ltd Parbhani,
Branch Officer Shivaji Road,parbhani And Ors

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Advocate for Applicants : Mr. S.G. Magre

Advocate for Respondent Nos. 1 and 2 : Mr. M.R. Deshmukh

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CORAM : S. G. MEHARE, J.

DATE : 16.02.2024

PER COURT :

1. Heard the learned counsel for the applicants and the learned counsel for the respondents/appellants.
2. The applicants are seeking leave to withdraw the compensation amount.
3. The learned counsel for the appellants is strongly opposed the application. He is referring to the depositions of the witnesses as it the matter is for final hearing.
4. It is clear that the accident happened. Whether the vehicle insured with the appellants was actually involved in this case is a

matter of re-appreciation of the evidence. There may be shifting of liability only. However, *prima facie* the Tribunal has held the vehicle insured with the appellants was involved in the accident. Hence, the applicants could not be deprived for the compensation. Hence, the order :-

ORDER

- (i) The application is allowed.
- (ii) The applicants are entitled to withdraw 1/4th share from the amount deposited in the Court with accrued interest thereon with undertaking that if the impugned judgment and award is reversed they will deposit the amount.
- (iii) The applicant No.1 wife is entitled to withdraw her 1/4th share.
- (iv) The share of minors be deposited in a fixed deposit in any of the Nationalized Bank under the guardianship of their mother till they attain the majority with a right to receive the interest at quarterly rests.

(S. G. MEHARE)
JUDGE