



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

106 CIVIL APPLICATION NO. 7693 OF 2024
IN FA/1824/2024

ASHA RAMCHANDRA PATIL/ WAGH AND ORS
VERSUS
NEW INDIA ASSURANCE CO LTD THROUGH ITS
DIVISIONAL OFFICE

...
Advocate for Applicants : Mr. Mahajan Lalitkumar S.
Advocate for Respondent No. 1 : Mr.M. D. Shinde
...

CORAM : KISHORE C. SANT, J.

DATE : 13th SEPTEMBER, 2024.

PER COURT :

1. Heard the parties for some time.
2. This application is filed for withdrawal of the amount of compensation passed in appeal against Insurance Company.
3. Learned Advocate for the appellant Insurance Company submits that involvement of the vehicle itself is doubtful and the deceased himself was riding the motorcycle.

However, record is created to show that he was pillion rider. On the quantum of compensation he submits that there are chances of success in appeal and opposes the application.

4. Applicants submits that claimant No. 1 i.e. the applicant No. 1 is widow of the deceased and claimant Nos. 3, 4 and 5 are the sons and daughters of the deceased. There is also aged persons in the family i.e. applicant Nos. 6 and 7. The deceased was working as secretary in the Pat Sanstha and she was earning solely. Considering the above she earnestly prays for allowing to withdraw amount of compensation.

5. It is further stated that the applicants are not in a position to furnish any security, in view of the above, this Court inclined to pass following order :

ORDER

- i) The application is partly allowed.
- ii) The applicants are entitled to withdraw 50% of the amount deposited in this Court alongwith accrued interest on furnishing usual undertakings.

iii) Remaining amount deposited be kept in fixed deposit in any nationalized bank to be renewed from time to time till disposal of the appeal.

iv) The Civil Application stands disposed off.

(KISHORE C. SANT)
JUDGE

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