



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

**902 CIVIL APPLICATION NO. 10258 OF 2024
IN FAST/6197/2024**

SUJATA RAM MANE AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO LTD MOLEDINA ROAD, PUNE
THROUGH THE BRANCH MANAGER

...
Advocate for Applicant : Mr. Prasanna Shankarrao Chavan.
Advocate for Respondent No.1 : Mr. M. M. Ambhore.

...
AND
CIVIL APPLICATION NO. 3967 OF 2024
IN FAST/6197/2024

AND
CIVIL APPLICATION NO. 3968 OF 2024
IN FAST/6197/2024
...

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

DATE : 21st November, 2024.

P.C.:

. Heard the learned counsel for the parties for some time.

Application for withdrawal of amount:

2 This application is for withdrawal of the amount deposited by the appellant / insurance company in this Court, as per the impugned judgment and award passed by the learned Member, Motor Accident Claims Tribunal, Osmanabad in Motor Accident Claim Petition No.400 of 2019.

3 The application is vehemently opposed by Mr. Ambhore, learned counsel for the appellant. He submits that the grounds of contributory negligence and/or an excess compensation are raised in the appeal.

4 Considering that applicant No.1 has lost her husband and applicant Nos.2 and 3 have lost their son, the following order is passed:-

ORDER

- I. The applicants are permitted to withdraw 60% of the amount alongwith accrued interest deposited in this Court as per the apportionment on furnishing usual undertaking. 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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