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14-CA-13702-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 CIVIL APPLICATION NO. 13702 OF 2024
IN FA/1288/2024

Jyoti Sanjay Patil And Ors

VERSUS

Tata AIG General Insurance Company Ltd And Ors

WITH

CIVIL APPLICATION NO. 5633 OF 2024
IN FA/1288/2024

...

Mr.Shrikant Subhash Patil, Advocate for Applicant
Adv. Narin S. Shah h/f R. H. Dahat for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 19th DECEMBER 2024

PC :-

1. Heard the learned Advocate for the parties.
2. This application is for withdrawal of the amount. The application is vehemently opposed by the learned Advocate for Respondent-Insurance Company. It is submitted that the appeal is on the point of quantum and contributory negligence. Without any sufficient income, the income of the deceased is considered to be Rs.1,80,000/- per year and the compensation is awarded about contributory negligence. It is

submitted that the deceased himself was negligent in driving the vehicle and therefore, the accident took place.

3. Considering the above, following order:-

ORDER

(i) The applicant No.1, 4 and 5 are permitted to withdraw 50% of the amount deposited in the office of this Court alongwith accrued interest on furnishing usual undertaking.

(ii) Further 25% of the amount is allowed to be withdrawn alongwith accrued interest on giving solvent surety/security to the satisfaction of the learned Registrar(Judicial) of this Court.

(iii) The amount of share of Respondent Nos.2 & 3 and remaining amount be kept in a fixed deposit in any nationalized bank.

(iv) The applicant Nos.2 and 3 are at liberty to file application for withdrawal after attaining majority.

(v) With this, application stands disposed off.

CIVIL APPLICATION FOR STAY

1. Since the amount is already deposited in the office of this Court as per impugned judgment and award, there shall be stay to the impugned

judgment and award till final disposal of the appeal.

2. Application stands disposed off.

[KISHORE C. SANT, J.]