



(1)

29-CA-12496-2024

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

**29 CIVIL APPLICATION NO. 12496 OF 2024
IN FAST/12519/2024**

Smt Bhagyashri Ranjit Pawar And Others

VERSUS

The Divisional Manager, The New India Assurance Com. Ltd Park Chowk
Solapur Thr Authorised And Ors

WITH

CIVIL APPLICATION NO. 5865 OF 2024
IN FAST/12519/2024

WITH

CIVIL APPLICATION NO. 5867 OF 2024
IN FAST/12519/2024

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Mr.Aakash D Gade, Advocate for Applicant.

Mr. Swapnil S. Rathi for Respdent No.1.

CORAM : KISHORE C. SANT, J.
DATE : 26th NOVEMBER 2024

PC :-

CIVIL APPLICATION FOR WITHDRAWAL

1. Heard the parties.
2. The application is vehemently opposed by the learned Advocate for the Respondent/Insurance Company. It is submitted that the appeal is on the point of contributory negligence and also on the point of quantum. He submits that there is no satisfactory evidence on record to prove income of the deceased. The Court has clearly held that the income tax return produced on record for the year 2015-16, 2016-17 and 2017-18, are not proved. The Court however, has held that the income of Rs.2,50,000/-

without any proof. The agricultural income is also taken to be Rs.4,00,000/- per year which is again without any record. In the case of agricultural income, the Court has to deduct only managerial expenses. He thus opposed the application.

3. Considering the above argument, this court is inclined to allow to withdraw 50% of the amount. Hence, the following order:-

ORDER

- (i) Application is partly allowed;
- (ii) The applicant No.1, 2 and 4 are permitted to withdraw 50% of the amount alongwith accrued interest deposited in this Court towards compensation on furnishing usual undertaking.
- (iii) The applicant No.3 is at liberty to apply for withdrawal after attaining the majority.
- (iv) The remaining amount be deposited in Fixed Deposit in the nationalized bank.

CIVIL APPLICATION FOR STAY

- . Interim relief to continue till further orders.

[KISHORE C. SANT, J.]