



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

**933 CIVIL APPLICATION NO. 1708 OF 2025
IN FA/507/2019**

SHIVAJIBHAI MAHADUBHAI PATIL AND ORS

VERSUS

**NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY NANDURBAR AND ORS**

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Mr. Gajanan Tirthkar h/f Mr. Bagul Dnyaneshwar Suresh,
Advocate for Applicants

Mr. S. S. Patil h/f Mr. Ajit B. Kadethankar, Advocate for
Respondents No.1

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 14/02/2025.

P. C. :

1. Heard rival submissions.
2. The applicants / claimants are seeking withdrawal of entire amount of compensation alongwith the interest, which has been deposited by the appellant / insurance company. The learned counsel for the appellant / insurance company opposed the application on the ground that there was contributory negligence on the part of deceased in the occurrence of accident. As such, the applicant Nos.1 & 2 are permitted to withdraw 50% of the compensation amount alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

3. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.
4. The civil application is accordingly disposed of.
5. List First Appeal No.507 of 2019 on 17/03/2025.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-