



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

**940 FIRST APPEAL NO. 2295 OF 2020
WITH
CIVIL APPLICATION NO. 1462 OF 2025
IN FA/2295/2020**

THE BRANCH MANAGER NATIONAL INSURANCE CO. LTD.,
THR ITS AUTHORISED SIGNATORY, AURANGABAD
....Appellant

VERSUS

SAVITA RAMDAS PAGIRE AND ORS
.....Respondents

.....

Advocate for Appellant : Mr. V. R. Mundada
Advocate for Respondent Nos. 1 to 4 : Mr, Amol S. Gandhi

...

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 06 FEBRUARY , 2025**

ORDER

IN CIVIL APPLICATION NO. 1462 of 2005

1. Heard rival submissions.
2. The applicants who are the original claimants are seeking withdrawal of entire amount of compensation along with the interest which has been deposited by the appellant/ Insurance Company.
3. The learned counsel for the appellant/Insurance Company strongly opposed the application on the ground that the offending vehicle was in fact not involved in the accident.

The FIR was also delayed by one month despite the fact that police machinery was already aware about the accident on the second day itself.

4. However, the Insurance Company did not care to examine driver or owner of the offending vehicle on the aspect of non involvement of the same.

5. In view of the same and considering the compensation granted by the learned Tribunal, the applicants are permitted to withdraw 50% of the deposited amount of compensation alongwith the proportionate interest accrued thereon till date as per the apportionment done by the learned Tribunal on filing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

6. The remaining amount be kept in Fixed Deposit in any Nationalized Bank on yearly renewal basis till final disposal of this appeal.

7. The civil applications are accordingly disposed of.

8. Place the appeal on 06.03.2025.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni