



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

**17 CIVIL APPLICATION NO. 12211 OF 2025**  
IN FA/165/2024

NIRMAL SANJAY FAPALE AND ORS  
VERSUS  
THE NEW INDIA INSURANCE COMPANY LIMITED AND ANR

...  
Advocate for Applicants : Mr. Amol Subhash Gandhi.  
Advocate for Respondent No.1 : Mr. S. S. Rath. ...

AND  
**CIVIL APPLICATION NO. 14745 OF 2023**  
IN FA/165/2024

THE NEW INDIA INSURANCE CO LTD CORRECTED AS THE NEW INDIA  
ASSURANCE CO LTD  
VERSUS  
NIRMALA SANJAY FAPALE, AND OTHERS

...  
Advocate for Applicant : Mr. Swapnil S. Rath. ...

CORAM : **SANJAY A. DESHMUKH, J.**  
DATE : 17<sup>th</sup> November, 2025.

**P.C.:**

1 Heard the learned counsel for the parties.

**Application for withdrawal of amount:**

2 This application is for withdrawal of the amount deposited by the appellant in this Court as per the impugned judgment and award.

3 The learned counsel for the appellant strongly opposes the application.

4      Considering the peculiar set of facts in this case, it would be proper to partly allow the application. Hence, the following order is passed :-

### **ORDER**

- I.    The applicants are permitted to withdraw 50% of the amount out of the amount deposited by the appellant in this Court with accrued interest thereon on furnishing usual undertaking. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- II.   On submission of the death certificate of respondent No.4, the share of his amount shall be paid to his legal representatives, who are already on record.
- III.   The Registrar (Judicial) of this Court shall consider the same.
- IV.   With this, the civil application for withdrawal of amount stands disposed of.

### **Appeal:**

5      The record and proceedings be called for.

6      Stand over to 15<sup>th</sup> December, 2025.

**[ SANJAY A. DESHMUKH, J. ]**