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935-CA-10911-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CIVIL APPLICATION NO. 10911 OF 2025
IN FA/1678/2025

Anita Balasaheb Sawant And Anr

VERSUS

Cholamandalam M S General Insurance Co Ltd Through Its Authroized
Signatory And Anr.

WITH

CIVIL APPLICATION NO. 6888 OF 2025
IN FA/1678/2025

...

Mr. S. S. Dargad, Advocate for Applicant.

Mr. S. S. Rathi, Advocate for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 3rd OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed for withdrawal of the amount deposited by the appellant-insurance company in the office of this Court as per impugned judgment and award. The applicants are the parents of the deceased, who died at the age of 21 years.

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3. The learned Advocate Mr. Rathi vehemently opposed the application. He submits that both the applicants are aged 40 years and as such were not totally dependent on the deceased and prays for rejection of the application.

4. However, considering that the applicants have lost their son at a young age, this Court is inclined to allow the application. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) The applicants are permitted to withdraw 50% of the amount deposited in the office of this Court alongwith accrued interest on furnishing usual undertaking.
- (iii) With this, civil application stands disposed off.

STAY APPLICATION

5. Since the appellant has deposited entire amount of compensation 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.

6. With this, civil application stands disposed off.

FIRST APPEAL

7. Heard.

8. Admit.

9. Call for record and proceedings.

10. Mr. Dargad waives service of notice for respondent Nos. 1 and 2.

[KISHORE C. SANT, J.]