



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

**944 CIVIL APPLICATION NO. 2695 OF 2025
IN FA/1499/2021
WITH
CIVIL APPLICATION NO. 8568 OF 2021
IN FA/1499/2021**

**NILIMA WD/O JITENDRA NARKHEDE AND ORS
VERSUS
BABAURAO RAGHUNATH PATIL AND ORS**

...
Mr. Kanawade Ajay T., Advocate for Applicants
Mr. Vinayak Narayan Upadhye, Advocate for Respondent NO.3
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 06/03/2025.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO.2695 OF 2025 :

1. Heard rival submissions.
2. The applicants, who are the original respondent Nos.1 to 3, are seeking withdrawal of the amount of compensation, which has been deposited by the insurance company alongwith the interest accrued thereon. There is no question of disbursing the amount of applicant No.3 – Kaustubh Jitendra Narkhede since he is still minor.
3. The learned counsel for the insurance company strongly opposed the application on the ground that the deceased had also equally contributed in the occurrence of accident.

4. Thus, in view of submissions made by the learned counsel for the respondent – insurance company, who has filed this appeal and the compensation granted by the learned Tribunal, only the applicant Nos.1 & 2 are permitted to withdraw 50% of the amounts of compensation alongwith the proportionate interest accrued thereon till date, falling to their shares as determined by the learned Tribunal, on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amounts of the applicant Nos.1 & 2 be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

7. Call R & P.

B) ORDER IN CIVIL APPLICATION NO.8568 OF 2021 :

Since the appellant / insurance company has deposited the entire amount of compensation alongwith the interest, the application is made absolute during the pendency of this appeal.

(SANDIPKUMAR C. MORE, J.)