



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

**CIVIL APPLICATION NO. 11430 OF 2025
IN FA/2417/2024**

Smt. Nirmalabai Vitthal Patil

.. Applicant

Versus

Ganesh Ravindra Patil and others

.. Respondents

Mr. Madhav M. Bhokarikar, Advocate for the Applicant.
Mr. S. S. Rathi, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATE : 14th OCTOBER, 2025.

PER COURT :-

1. Heard learned advocates for the parties.
2. This application is for withdrawal of the amount deposited by the appellant – insurance company in the office of this Court.
3. The application is opposed by learned advocate Mr. Rathi for respondent No. 3. He submits that, substantial grounds are involved in the appeal. The main ground is about quantum of the compensation. The learned Tribunal has considered the notional income of the deceased to be Rs. 12,000/- per month which is exorbitant considering that the accident took place in the year

2015. The joint family agricultural land shown is only 1 H and 52 R. He submits about contradictory negligence that there is hope of collusion between two motorcycles which clearly shows that the vehicle was also liable for accident. He thus submits that, the liability of the insurance company would come at the most considering the notional income to be Rs. 4500/- in the year 2015 and considering the contradictory negligence.

4. For the present, this Court finds that, substantial grounds are involved. Therefore, the civil application deserves to be partly allowed instead of granting withdrawal of entire amount. The following order suffice the purpose.

ORDER

(I) The civil application is partly allowed.

(II) The applicant is allowed to withdraw 50% of the amount with accrued interest deposited in the office of this Court on giving usual undertaking to the learned Registrar (Judicial) of this Court.

(III) With this, the civil application stands disposed of.

(KISHORE C. SANT, J.)

PS.B.