

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

**940 CIVIL APPLICATION NO. 1122 OF 2019
IN FIRST APPEAL NO. 612 OF 2019**

**KALPANA NANA TUNGAR AND OTHERS
VERSUS
NEW INDIA INSURANCE CO. LTD., THROUGH ITS DIV.
MANAGER AURANGABAD**

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Mr. N.L. Choudhari, Advocate for the applicants.
Mr. S.V. Kulkarni, Advocate for Insurance Company.
Mr. R.S. Sarvadnya, Advocate for respondent No.2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 12 FEBRUARY 2025.

ORDER:-

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation alongwith the interest accrued thereon, which has been deposited by the respondent Insurance Company
3. The learned Counsel for the respondent Insurance Company strongly opposed the application on the ground that there was no policy in existence in respect of the offending vehicle on day of the accident, but the learned Tribunal did not consider this aspect properly and cast liability of paying compensation upon the insurance company jointly and severally.

4. However, considering the compensation granted by the learned Tribunal and the date of accident, the applicant Nos.1, 4 and 5 are permitted to withdraw their respective shares of compensation as awarded by the learned Tribunal alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The amount of compensation falling to the shares of applicant Nos.2 and 3 be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.
5. The civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)