

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

917 CIVIL APPLICATION NO. 11121 OF 2024

IN FA/1699/2021

WITH

CIVIL APPLICATION NO. 2249 OF 2024

IN FA/1699/2021

WITH

FIRST APPEAL NO. 1699 OF 2021

WITH

CIVIL APPLICATION NO. 9082 OF 2021

IN FA/1699/2021

**THE NEW INDIA ASSURANCE CO. LTD., THROUGH SENIOR
DIV. MANAGER, AURANGABAD**

VERSUS

RAHUL SHANKARRAO CHAVAN AND OTHERS

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Mr. Mohit R. Deshmukh, Advocate for the applicant.

Mr. S.B. Rajebhosale, Advocate for respondent No.1.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 31 JANUARY 2025.

ORDER:-

IN CIVIL APPLICATION NO. 11121 OF 2024 :

1. Heard rival submissions.
2. The application is filed for bringing legal representatives of deceased Proprietor Abhijit Sawant of respondent No.2 Company, on record. There is no dispute about death of Abhijit Sawant. Though there is delay of 2046 days, but considering the right to sue, the application stands allowed in terms of prayer clauses 'B', 'C' and 'D' only.

3. Amendment be carried out within stipulated period.
4. Application is disposed of.

IN CIVIL APPLICATION NO. 2249 OF 2024 :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire balance amount of compensation alongwith the interest accrued thereon, which has been deposited by the respondent Insurance Company
3. The learned Counsel for the Insurance Company strongly opposed the application on the ground that the applicant claimant has already withdrawn 50% of the total compensation amount and that the learned tribunal considered the income of applicant on higher side.
4. However, it appears that the applicant is bed ridden and having family to maintain. Admittedly, 50% amount is already withdrawn by the applicant under the order of this Court, but considering the injuries sustained by him and the disability of almost 88% to the applicant, the applicant is permitted to withdraw 50% of the balance amount of compensation alongwith the proportionate interest accrued thereon till date on filing usual undertaking by the father of applicant / claimant to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount 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. List the first appeal on 17.03.2025.

(SANDIPKUMAR C. MORE, J.)

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