



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

**CIVIL APPLICATION NO. 801 OF 2025
IN FA/330/2025**

**SUREKHA VAIJANATH KUMBHAR AND OTHERS
VERSUS
NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS
BRANCH MANAGER AND ORS**

...
Mr. P. V. Gole h/f Mr. Vishambhar Digambar Gunale, Advocate for
Applicants.

Mr. M. R. Deshmukh, Advocate for Respondent No.1.

...
**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th APRIL, 2025.**

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. By this application, applicants seek permission to withdraw amount deposited by respondent/Insurance Company in pursuance to award passed by Tribunal under provisions of Motor Vehicle Act.
3. Perused application. The applicants claimed compensation towards accidental death of mother. The Tribunal after considering rival submissions, allowed claim and directed respondents to pay compensation of Rs.2,20,000/-. The liability is apportioned between respondent nos.3 and 4 at one side and respondent no.1 at other side.
4. The respondent/Insurance Company filed Appeal carrying forward its defence as regards to composite negligence.
5. Therefore, entitlement of claimants to receive compensation cannot be denied in toto. In result, Civil Application is **allowed**.

6. The applicants are permitted to withdraw amount of Rs.1,50,000/- alongwith accrued interest thereon on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court that they shall redeposit amount in case adverse order is passed in Appeal. The undertaking to be filed within period of eight weeks from today and shall be made part of Appeal compilation.

7. Balance of the amount be kept in Fixed Deposit in any Nationalized Bank.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2025