

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.1200 OF 2022

United India Insurance Company Limited ... Appellant

V/s.

Smt. Dropadi Dadu Wadekar & Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.3646 OF 2025
IN
FIRST APPEAL NO.1200 OF 2022**

Smt. Dropadi Dadu Wadekar & Ors. ...Applicants

IN THE MATTER OF

United India Insurance Co. Ltd. ... Appellant

V/s.

Smt. Dropadi Dadu Wadekar & Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.19340 OF 2022
IN
FIRST APPEAL NO.1200 OF 2022**

United India Insurance Company Limited ... Appellant

V/s.

Smt. Dropadi Dadu Wadekar & Ors. ...Respondents

Ms. S. S. Dwivedi, for the Appellant in IA/19340/2022.

Mr. T. J. Mendon, for the Applicants in IA/3646/2025.

CORAM : SHYAM C. CHANDAK, J.

DATED : 10th MARCH, 2025

P.C. :-**INTERIM APPLICATION NO.3646 OF 2025**

. Applicants/Respondent Nos.1 to 4 preferred this Application for withdrawal of the compensation amount.

2) Heard Mr. Mendon, learned Advocate for the Applicants and Ms. Dwivedi, learned Advocate for the Appellant/Non-Applicant.

3) The Applicants are the wife and children of deceased Dadu Ranuji Wadekar, who died in the accident in question. The accident occurred in the year 2017. Since then the Applicants are waiting for the compensation amount. However, the learned Advocate for the Appellant objected for the withdrawal on the ground that the driver of the offending vehicle was not holding valid and effective driving licence at the time of the accident and, on the point of multiplier.

4) In this regard, it is noticed that, the Tribunal directed that the Appellant and owner of the vehicle shall jointly and severally pay the compensation. In view thereof and, considering the other reasons stated in the Application, the Applicants are permitted to withdraw 50% of the compensation amount of their share with proportionate interest subject to furnishing usual undertaking that in case the Appellant succeeds in this Appeal, the Applicants would refund the said amount alongwith interest as would be directed by this Court. The Tribunal shall invest remaining amount with Nationalized Bank giving highest interest from time to time.

5) Application stands disposed of, accordingly.

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. The entire compensation amount has been deposited in the Tribunal. The Respondent Nos.1 to 4 are permitted to withdraw 50% of the compensation amount.

2) In view thereof, the Application is allowed in terms of prayer Clause (a).

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. Call for R & P.

2) Learned Advocate for the parties requested to take the aforesaid Appeal for final hearing and undertakes to file Compilation of Documents for that purpose.

3) Stand over to **2nd April, 2025.**

(SHYAM C. CHANDAK, J.)