

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

**INTERIM APPLICATION NO.12467 OF 2024
IN
FIRST APPEAL NO.1252 OF 2023**

Nandkumar Shripati Magar & Anr. ... Applicants

In the matter between

Divisional Officer,
Bajaj Allianz Insurance Co. Ltd. ... Appellant
vs.

Nandkumar Shripati Magar & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.17971 OF 2023
IN
FIRST APPEAL NO.1252 OF 2023**

Divisional Officer,
Bajaj Allianz Insurance Co. Ltd. ... Applicant
vs.

Nandkumar Shripati Magar & Ors. ... Respondents

Mr. Sarthak S. Diwan for the Applicants/Appellants.

Mr. D. D. Rananaware for the Respondent Nos.1 and 2.

CORAM : SHYAM C. CHANDAK, J.

DATED : 25th MARCH 2025

P. C. :

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. Heard.

2) Present Application seeks withdrawal of the compensation

amount. Mr.Diwan, learned Advocate for the Appellant opposed the Application.

3) The Application is pressed on the ground that the deceased was only son of the Applicants and they are depending on his income. Both the Applicants are senior citizens, therefore, they are in need of the compensation amount to meet their domestic and medical expenses etc.

4) Considering the facts of the case and the submissions of learned Advocate for the Applicants that the offending vehicle has been planned in this accident, the Applicants are permitted to withdraw an amount of Rs.3,95,000/- each (total Rs.7,90,000/-) along with proportionate interest of their share subject to furnishing an undertaking that, in case the Appellant succeeds in this Appeal, the Applicants would refund the said amount along with interest as would be directed by this Court. The Tribunal shall invest remaining amount with Nationalized bank giving highest interest from time to time.

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. Learned Advocate for the Applicant states that entire compensation amount along with accrued interest has been deposited with the Tribunal concerned. The Respondent Nos.1 and 2-claimants are also permitted to withdraw reasonable compensation amount along with accrued interest.

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

3) Application is disposed of.

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. Stand over to **22nd July 2025.**

(SHYAM C. CHANDAK, J.)