

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

**INTERIM APPLICATION NO. 3541 OF 2025
IN
FIRST APPEAL NO. 1829 OF 2024
WITH
FIRST APPEAL NO. 1829 OF 2024**

Surekha Dattatraya Auti and Ors. ...Applicants
vs.
The Oriental Insurance Co. Ltd. ...Respondent

IN THE MATTER BETWEEN

The Oriental Insurance Co. Ltd. ...Appellant
vs.
Surekha Dattatraya Auti and Ors. ...Respondents

Mr.Yogesh Pande, for the Applicants.

Mr. Nikhil Pawar, for the Respondent Nos. 1 to 4.

CORAM : SHYAM C. CHANDAK, J.

DATED : 10th MARCH, 2025.

P. C. :

. Heard.

2 The present application seeking permission to withdraw
the compensation amount of the share of the applicants/

respondent Nos. 1 to 4. The accident occurred in the year 2019 and since then the applicants have been waiting for the compensation. Therefore, and for the reasons stated in the application, the application is allowed.

3 The applicant Nos. 1 to 4 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 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.

4 Application stands disposed of accordingly.

FIRST APPEAL NO. 1829 OF 2024

Heard.

2 Arguable questions are raised.

3 **Admit.**

4 Issue notice to the respondents, returnable on **23rd April, 2025.**

5 The appellant to provide copy of the Application and Appeal memo in the Registry, for service of notice on the respondent No.5. In addition to Court's notice, the appellant to serve the respondent No.5 with private notice and file affidavit of service on or before the returnable date. *Hamdast* allowed.

6 Learned Advocate for the respondent Nos. 1 to 4 waives notice and submitted the compilation of documents. It is taken on record.

[SHYAM C. CHANDAK, J.]