

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**933 CIVIL APPLICATION NO. 13553 OF 2015
IN FA/4280/2008**

**MAHEBOOB BEE SHAIKH ISMAIL AND ANOTHER
VERSUS
NEW INDIA ASSURANCE CO LTD. AND ANOTHER**

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**Advocate for Applicants : Mr. M. G. Deokate
Advocate for Respondent No.1 : Mr. Dhananjay Deshpande**

CORAM : A. M. BADAR, J.

DATE : 18th November, 2015

PER COURT :

1. This is an application for withdrawal of remaining 50% amount of compensation deposited by the insurance company. This Court, vide order dated 23.03.2010, had granted stay to the impugned award and subsequently, after hearing the parties, vide order on Civil Application No.7358/2010, allowed the original claimants to withdraw 50% amount under the award.

2. Reasons stated for withdrawal of remaining 50% is marriage of applicant no.2, who was original claimant. The marriage is already over. In death claim, the amount awarded towards loss of dependency cannot be allowed to be spent for expenses of marriage. Hence civil application is rejected.

(A. M. BADAR, J.)

JPC