

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5841 OF 2016
IN FA/160/2016

JAIBUNBEE SHAIKH JANI AND OTHERS
VERSUS
GOTIRAM BALWANTA BODKHE AND ANR

...
Advocate for Applicants : Mr. Deshmukh Mohit R.
Advocate for Respondents : Mr. S.S. Patil
.....

CORAM : V. K. JADHAV, J.
DATED : 29th APRIL, 2016

PER COURT:-

1. Heard.
2. Learned counsel for the applicants submits that deceased Shaikh Ejaz was the elder son of claimant No.1 and all the applicants were depending upon his earning at the time of accidental death of Shaikh Ejaz. His father expired long back and in view of that entire family was depending upon his earnings. Deceased Shaikh Ejaz was mechanic by occupation and relevant record was produced before the Tribunal. Learned counsel submits that the Tribunal considering peculiar facts of the case, should have deducted 1/3rd amount towards his personal expenses instead of 1/2 (half) of the amount.

3. Learned counsel for the respondent insurer submits that the Tribunal has considered monthly income of deceased Shaikh Ejaz on higher side and accordingly awarded exorbitant amount of compensation. Learned counsel submits that at the most the claimant may be permitted to withdraw amount of Rs.5,00,000/-.

4. Considering the peculiar facts of the case, claimant Nos. 1 and 2 are hereby permitted to withdraw an amount of Rs.7,00,000/- (Rupees seven lacs only) and remaining amount shall be kept in fixed deposit, initially for a period of three years and thereafter renew the fixed deposit from time to time till disposal of the appeal.

5. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)

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