

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 14061 OF 2015
IN
FIRST APPEAL NO. 1311 OF 2015**

Namita Rajiv Gundre & Ors. **APPLICANTS**

V E R S U S

The New India Assurance Co. Ltd.
& Ors. **RESPONDENTS**

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Mr. V.D.Gunale, Advocate for Appellant.

Mr. M.M.Ambhore, Advocate for R.No. 1.

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CORAM : T.V.NALAWADE, J.

DATE : 20th JANUARY, 2016

ORAL ORDER :-

. The application is filed in respect of the death and it is filed by the widow and issues.

2. This Court has considered the record in respect of the earning of the deceased and the calculations made by the Tribunal after considering the land-mark case reported in **AIR 2009 – SC -3104 – Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.** In this matter, total amount of compensation of ₹ 23.96 Lacs is awarded. Claimant No. 1 is the widow,

claimant No. 2 is a minor son and claimant No. 3 is father of the deceased.

3. In view of the facts of that case, this Court holds that permission can be given to withdraw ₹ 17,00,000/- [Rupees Seventeen Lacs] with interest subject to the undertaking that the amount will be deposited with the same rate of interest.

4. Disbursement is to be made as per the Award made by the Tribunal.

5. In these terms, Civil Application stands disposed of.

[T.V.NALAWADE, J.]