

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and Registrar's orders.	Notes, of Court's orders or	Office Coram, orders or	Court's or Judge's orders.
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CIVIL APPLICATION NO. 632 OF 2016
IN FAST/23986/2014

SUNITA BALBHIM KADAM AND OTHERS
VERSUS
THE RELIANCE GENERAL INSURANCE CO. LTD. AND ANR

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Advocate for Applicants : Mr. Murge Estling S .
Advocate for Respondent No.1: Mr. S. G. Chapalgaonkar.

CORAM: T. V. NALAWADE, J.
DATED: 21st JANUARY, 2016.

PER COURT:

1. The application is filed by original claimants for permission to withdraw the compensation amount deposited by insurance company, appellant. Heard both the sides.
2. The learned counsel for the insurance company has strongly opposed the application by contending that the driver of the other offending vehicle, truck, owner are not impleaded even when it is case of composite negligence. He also submitted that the challenge is also on the ground of quantum as there is no record to prove income and it

was not a case of fixed income. This Court has gone through the reasoning given by the Tribunal. This Court holds that permission needs to be granted to withdraw the amount of at least Rs.14 Lakh with interest subject to giving of undertaking by the applicants. So, the following order is made.

3. The application is allowed. Permission is granted to withdraw the amount of Rs.14 Lakhs with interest. It appears that the Tribunal has not made the distribution of the amount amongst the original claimants. Out of the amount of Rs.14 Lakhs, the amount of Rs.5 Lakh is to be given to the Applicant No.1. Amount of Rs.1 Lakh with interest is to be given to Applicant No.5. The remaining amount of Rs.8 Lakhs with interest equally to be distributed amongst applicant Nos.2 to 4. The amount of major applicant be given to him by account payee cheque and the amount awarded to the minor applicants is to be kept in fixed deposited in the name of the minor for a period till they attain majority. The Applicant No.1 will be entitled to receive quarterly interest on this amount.

(T. V. NALAWADE, J.)

Dt.21/01/2016.
ans/632