

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4162 OF 2016
IN
FIRST APPEAL NO.1051 OF 2015

Raju Pandurang Patole & Anr.	 Applicants
<i>In the matter between</i>	
The New India Assurance Co. Ltd., Thane	 Appellant
V/s.	
Raju Pandurang Patole & Ors.	 Respondents

Mr. T.J. Mendon for the Applicants-Original Respondent Nos.1 and 2.

Mr. R.K. Cheulkar for the Respondent-Original Appellant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH SEPTEMBER 2016.

P.C. :

1. Heard learned counsels for the parties.
2. This is an application for withdrawal of the compensation amount, as deposited by the appellant-Insurance Company in the Trial Court. Applicant No.1 is husband and applicant No.2 is the minor daughter of the Deceased. It is submitted that, due to the death of the Deceased, the applicants have lost their source of income and, hence, for their maintenance, some amount is required.

3. Learned counsel for the appellant-Insurance Company opposes this Civil Application on the ground that the amount of compensation awarded by the Trial Court is excessive and exorbitant.
4. Considering that the only dispute is relating to the quantum of the compensation amount, as awarded by the Trial Court, applicant No.1 is permitted to withdraw 40% of the amount of compensation deposited in the Trial Court, without furnishing any security, but, subject to furnishing usual undertaking.
5. Civil Application stands disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]