

vks

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3003 OF 2016
IN
FIRST APPEAL NO.1268 OF 2016

Sonu Dharma Bedis and ors .. Applicants,.

In the matter of

Reliance General Insurance Co.Ltd Appellant

V/s.

Smt. Sonu Dharma Bedis and ors Respondents

Ms. Priti Pandey, I/by Res Juris, for the Appellant
in First Appeal.

Mr. Sachin Gite, for applicant .

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 24TH OCTOBER, 2016.

P.C. :

1. This application is preferred by the original claimants seeking withdrawal of amount of compensation deposited by the Insurance Company in the Tribunal. It is submitted that the applicant No.1 is the father, applicant No.2 is the daughter, applicant No.3 is son and applicant No.4 is the brother of deceased, respectively. It is submitted that due to death of deceased, applicants are having no source of income till date. They have not received any amount of compensation. The hearing of the

appeal make take substantial time and hence it is urged that they be permitted to withdraw the entire amount of compensation.

2. Learned counsel for respondent Insurance Company has opposed the application on the count that except for father and son, other applicants cannot be called as dependents, entitling them to get compensation. It is further submitted that father is having agricultural land and own source of income; whereas son is also married and hence applicants should not be permitted to withdraw the entire amount of compensation.

3. In view thereof, considering the age of applicant No.1 that of 86 years and dependency applicant No.1, is permitted to withdraw 20% of the amount of compensation; whereas applicant No.3 Sandeep is permitted to withdraw 10% of the amount of compensation as deposited by the appellant insurance Company on furnishing usual undertaking but without insisting on any security.

4. Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR JOSHI, J.]