

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION Nos.799, 800 and 801 OF 2016
IN
FIRST APPEAL ST. NO.24173 OF 2015

National Insurance Company, Divisional Office, Branch No.3, Durga Sadan Plot No.40, Dhantoli,
Nagpur 12.

-vs-

Girdharimal Turyamal Jaswani and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri C. A. Anthony, Advocate for appellant.

Shri K. H. Anandani, Advocate for respondent Nos.1 to 4/applicants.

CORAM : A.S.CHANDURKAR, J.

DATE : May 03, 2016

These applications have been filed by respondent Nos.1 to 4 seeking permission to withdraw the amount of compensation deposited by the appellant.

In the application it is stated that the son of respondent Nos.1 and 2 died in motor accident on 24/08/1998. Total compensation of Rs.9,05,000/- has been awarded including the amount of no-fault liability. In the applications it is further stated that in so far as respondent Nos.1 and 2 are concerned, they require the aforesaid amount for medical treatment. In so far as respondent Nos.3 and 4 are concerned, they have sought permission for withdrawing the amount on the ground that the expenses of education of

children of respondent No.3 have to be met and the respondent No.4 has to settle his loan account.

The applications are opposed by the learned counsel for the appellant on the ground the quantum of compensation awarded is on a higher side. It is stated that the deceased was a bachelor but only 1/3rd amount of the total earnings has been deducted. Similarly, interest has been awarded at higher rate.

Perused the judgment of the Claims Tribunal. In the facts of the case, the respondent Nos.1 to 4 are permitted to withdraw an amount of Rs.2,00,000/- (two lakhs) each which shall be paid to them separately. Same shall be subject to each respondent filing separate undertaking that in case the appeal is allowed, the aforesaid amount shall be repaid with interest at such rate, the Court may direct. The remaining amount shall be invested in Fixed Deposit.

Civil applications are disposed of.

JUDGE