

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

CIVIL APPLICATION NO. 1767 OF 2017
IN FA/1557/2014

RUPALI SANTOSH VAIDYA AND OTHERS
VERSUS
NATIONAL INSURANCE CO. LTD,
THROUGH DIVISIONAL MANAGER AURANGABAD

...

Advocate for Applicants : Mr. Ankush N. Nagargoje.
Advocate for Respondent No.1 : Mr. A. B. Gatne.

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CORAM : **V. K. JADHAV, J.**
DATE : 24th March, 2017.

P.C.:

. Heard both the sides.

2 The learned counsel for the Applicants submits that the breadwinner of the family met with an accidental death. Though the Applicants have already withdrawn the compensation of Rs.2,75,000/-, however, considering the fact that the minor Claimant Nos.2 to 4 are taking education and certain amount is required for the purpose of domestic and educational expenses, the Applicants may be permitted to withdraw the entire amount deposited before this Court.

3 The learned counsel for the Respondent / Insurer has strongly resisted the application on the ground that the Applicants have already withdrawn substantial amount deposited before this Court and

considering the challenge made to the judgment and award passed by the Tribunal, they may not be permitted to withdraw the remaining amount deposited before this Court.

4 Considering the challenge made to the judgment and award passed by the Tribunal and even if the notional income of the deceased is considered at some reasonable amount, the Applicants are entitled to withdraw an amount of Rs.5,00,000/-. Since the Applicants have already withdrawn an amount of Rs.2,75,000/- before this Court, they are permitted to withdraw an amount of Rs.3,00,000/- (Rupees Three Lacs Only) on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5 If the said amount of Rs.2,75,000/- as per the order passed by this Court if not withdrawn by the Applicants, the Applicants are permitted to withdraw an amount of Rs.5,75,000/- (Rupees Five Lacs and Seventy-Five Thousand Only) in total on the same conditions.

6 Civil application is accordingly disposed of.

[V. K. JADHAV, J.]