

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1078 CIVIL APPLICATION NO. 2423 OF 2017
IN FAST/21821/2016 WITH CA/11042/2016 IN FAST/21821/2016 WITH
CA/11043/2016 IN FAST/21821/2016

SONIYA MAROTI AGHAV AND ORS
VERSUS
UNITED INDIA INSURANCE CO.LTD. THR ITS BRANCH MANAGER,
AURANGABAD

...
Advocate for Applicants : Mr. S.S. Thombre
Advocate for Respondents : Mr. S.G. Chapalgaonkar
Advocate for Respondents : Mr. A.M. Hajare
.....

CORAM : V. K. JADHAV, J.
DATED : 3rd MARCH, 2017

PER COURT:-

1. Learned counsel for the applicants submits that the Tribunal has not granted any relief in favour of applicant Nos. 3 and 5, however, inadvertently they have been arrayed as applicants in the present civil application and therefore, their names be deleted from the array of applicants. In view of above submission, names of applicant Nos. 3 and 5 stand deleted from the array of applicants, at the risk of other applicants.

2. Learned counsel for the applicants submits that deceased was bread winner of the family and the applicants have no independent source of income and they were entirely dependent on the income of deceased.

3. Learned counsel for the respondent insurer submits that the Tribunal has awarded exorbitant amount of compensation to the tune of Rs.1,00,00,000/- (Rupees One Crore) and some odd amount. Learned counsel submits that the insurer has challenged the judgment and award passed by the Tribunal on the ground of negligence as well as on the ground that the Tribunal has considered salary income of deceased and also considered his entire income from agriculture source and also from his business of L.I.C. agent.

4. In view of above submissions and considering the challenge made to the judgment and award passed by the Tribunal, applicant No.1 herself and minor applicant No.2 are hereby permitted to withdraw an amount of Rs.25,00,000/- (Rupees twenty five lacs) out of the amount deposited before this Court, on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court.

5. Civil application is disposed of.

(V. K. JADHAV, J.)

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