

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

954 CIVIL APPLICATION No. 6808/2015

IN FA/1397/2015

REKHA RAHUL SHIRSATH AND OTHERS

VERSUS

M/S.SHRIRAM GENERAL INSURANCE COMPANY LTD.

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Advocate for Applicants : Mr. Patil Mahesh H.

Advocate for Respondent No. 1 : Chapalgaonkar S.G.

Advocate for Respondent No. 5 : Mr. M.P. Gude & J.P.
Reddy.

CORAM : K. L. WADANE, J.

DATE : 31st August, 2017

ORDER:

1. This is an application for withdrawal of compensation amount deposited by the Insurance Company/Appellant in this Court.

2. Mr. Chapalgaonkar, learned counsel for Insurance Company/appellant has objection to pay the amount mainly on the grounds that, the vehicle involved in the accident is a private vehicle and it was used for carrying passengers on hire and reward. Secondly, the income of the deceased was considered to be at a higher side and he was a businessman, therefore 50 % addition in the amount of income in respect of future prospects is not permissible.

3. Considering the objections raised by Mr. Chapalgaonkar, I am of the opinion that, at present

Award is in favour of the claimants. In view of the above and considering the object of awarding compensation under Motor Vehicles Act, at least 50 % amount can be paid to the claimants/applicants.

4. Mr. Chapalgaonkar, learned counsel for the respondent No. 1 submits that, the Insurance Company has deposited an amount of Rs. 14,61,999/-. Hence, out of the amount, the claimants/applicants are permitted to withdraw 50 % amount of compensation along with interest on the undertaking that, in case, adverse orders are passed in the appeal, the applicants/claimants shall deposit the entire amount which they have withdrawn within a period of 12 weeks.

5. Civil application is disposed of.

(K. L. WADANE, J.)

mkd