

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
963 CIVIL APPLICATION NO. 10681 OF 2017
IN FA/1357/2017

PUSHPA SOMNATH LANDAGE AND ORS
VERSUS
M/S. SHRIRAM GENERAL INSURANCE CO. LTD. THR ITS BRANCH
MANAGER AURANGABAD AND ANR

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Advocate for Applicants : Mr. Andhale Sandip R.
Advocate for Respondent No. 1 : Mr. S.G. Chapalgoankar.

CORAM : K. L. WADANE, J.

DATE : 31st August, 2017

ORDER:

1. Heard learned counsel appearing for the applicants and the learned counsel appearing for the respondent/Insurance Company.

2. Learned counsel appearing for the Insurance Company opposed the payment of entire compensation amount to the applicants on the ground that the appeal is presented on the ground of quantum.

3. For the reasons stated in the application, I am of the opinion, the applicants have lost their bread earner and therefore they are facing difficulties in their day today life. In such circumstances and taking into consideration the defence of the Insurance Company, 75% amount of compensation can be permitted to withdraw and out of which Rs. 10,00,000/- has to be

kept in the fixed deposit in the name of minor claimants No. 2 and 3, as directed by the Tribunal in its operative order dated 03.12.2016.

4. In view of the above, the civil application is allowed.

5. The applicants are permitted to withdraw 75 % amount of total compensation, deposited in this Court along with interest. Out of which Rs. 5,00,000/- shall be invested in the name of each minor applicants No. 2 and 3 as directed by the learned Tribunal Ahmednagar in its operative order dated 03.12.2016.

6. The applicant No. 1 is entitled to withdraw rest of the amount after fix deposit in the name of applicants No. 2 and 3.

7. Civil Application is disposed of.

(K. L. WADANE, J.)

mkd