

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

919 CIVIL APPLICATION NO. 10889 OF 2017  
IN FAST/12711/2016

THAKAJI KERBA PACHARNE (DIED) THR LRS PAMABAI  
THAKAJIPACHARNE  
VERSUS  
ROHIDAS RADHUJI TUTARE AND ORS

...  
Advocate for Applicants : Mr. Sudarshan J. Salunke.  
Advocate for Respondent No.2 : Mr. R. B. Temak.  
Advocate for Respondent No.4 : Mr. S. G. Chapalgaonkar.

...  
**CORAM : K.K. SONAWANE, J.**

**DATED : 22<sup>ND</sup> AUGUST, 2017.**

**Order :-**

Heard learned counsel for the applicant and the respondent Insurance Company. Perused the application.

2. It is contended that, applicant No.2 Pamabai Thakaji Pacharne is the mother of the deceased Dattatraya Pacharane, who met with an accident as alleged in this case. After appreciating the evidence on record, the learned Tribunal partly allowed the claim and directed the respondent to pay the compensation amount. Pursuant to Order of learned Tribunal, the respondent Insurance Company deposited amount of Rs.6,17,906/- in this case including statutory amount to the tune of Rs.25,000/- at the time of filing appeal in this Court. Applicant is the old age mother of the deceased. Therefore, I do not find any impediment to allow her for withdrawal of 50 % amount from the amount deposited in this Court on behalf of respondent Insurance Company.

3. Hence, the application stands allowed. Applicant No.2 Pamabai Thakaji Pacharne is hereby allowed to withdraw amount in all Rs.3,00,000/- (Rs. Three Lac Only) from the amount deposited in this case. The applicant No.2 shall furnish the undertaking to the satisfaction of the learned Registrar (Judicial) of this Court, that in case adverse situation arises after decision of the appeal on merit, she will refund the amount in this Court within four (4) months from the date of decision in Appeal as directed by this Court. Accordingly, application stands disposed of.

Sd./-

**[ K. K. SONAWANE ]**  
**JUDGE**

RRD.