

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

906 CIVIL APPLICATION NO. 11727 OF 2017 IN FA/4242/2016

SONALI SAMBHAJI PATIL AND ORS
VERSUS
UNITED INDIA ASSURANCE CO. LTD.

...
Advocate for Appellant : Mr. M. M. Bhokarikar.
Advocate for Respondent No.1 : Mr. R. S. Rathi.
Advocate for Respondent No.2 : Mr. A. G. Talhar.
...

CORAM : K.K. SONAWANE, J.

DATED : 13TH SEPTEMBER, 2017.

Order :-

Heard learned counsel for applicant-original claimant and learned counsel for respondent No.1- United Insurance Company Limited. Perused the application.

2. The learned Motor Accident Claim Tribunal, Jalgaon, after appreciation of oral and circumstantial evidence on record passed the impugned Award and granted the compensation. The appellant-Insurance Company has deposited decretal amount of the Award passed by the learned Tribunal. The applicant has prayed for withdrawal of amount.

3. Considering the objection raised by appellant-Insurance Company, at this stage, it would be justifiable to allow the applicants No.1 to 3 to withdraw the 50 % of the amount deposited in this Court on behalf of appellant- Insurance Company. It would not cause any injustice and prejudice to the appellant. In contrast, it would sub-serve the purpose for substantial justice. It has also been brought to the notice of this Court that applicant No.1 Smt. Sonali Sambhaji Patil, widow of deceased has performed second marriage during pendency of the claim petition and she has been residing with second husband at her matrimonial home. Therefore, in view of subsequent development,

I find it justifiable to award the compensation amount of Rs.3,00,000/- (Rs. Three Lac Only) to both applicants No.2 and 3 i.e. parents of deceased Sambhaji and rest of balance compensation amount of Rs.1,50,628/- (Rs. One Lac Fifty Thousand Six Hundred Twenty Eight Only) to the so-called widow of deceased i.e. applicant No.1 Sonali Sambhaji Patil.

4. The Registry to disburse the compensation amount as mentioned above in favour of applicants as per rule, on furnishing undertaking to the effect that in case any adverse situation arises after adjudication of appeal on merit, the applicants will refund the amount of compensation received to them within stipulated period as directed by this Court. The rest of 50 % of the balance amount deposited on behalf of respondent- Insurance Company in this appeal, be invested in any Nationalized Bank for a period of two years or adjudication of appeal on merit, whichever is earlier.

5. Accordingly, Civil Application in above terms stands disposed of.

[K. K. SONAWANE]
JUDGE

rrd.