

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
961 CIVIL APPLICATION NO. 8968 OF 2017
IN FAST/5173/2017**

**SHILA SHIVKUMAR YELAMKAR AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD THR ITS ADM. OFFICER
(T.P.HUB) MAHENDRA P VIRAT AU**

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Advocate for Applicants : Mr. Shinde Ram S. (v P Not
Filed For A No 3)

Advocate for Respondent No. 1 : Mr. S.S. Rathi.

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 No. 1.

2. This is an application for withdrawal of compensation amount deposited by the Insurance Company in this Court. The learned counsel for the Insurance Company opposed the payment of the compensation to the applicants on the ground that the appellant has disputed the involvement of the vehicle itself.

3. Mr. Rathi, learned counsel for the insurance company/appellant submits that, initially the offence was registered on the basis of the statement given by the brother-in-law of the deceased and subsequently in

the investigation it was revealed that the offending vehicle involved in the accident was the vehicle which gave dash to the deceased from behind.

4. The amount of compensation deposited in this court is Rs.85,91,250/-. The learned counsel for the applicants submits that now the applicants No. 2 and 3 are taking education in science faculty, for which huge expenses are required. The applicant No. 4 is old aged mother of the deceased. Hence, the applicants have no other source of income to pull on their family. In such circumstances, the learned counsel for the applicants prays to pay the entire amount of compensation.

5. Considering the grounds mentioned in the present application, the defence of the Insurance Company, I am of the opinion, at least 40 % amount can be paid to the applicants to meet out their day today requirements.

6. Civil Application is allowed.

(K. L. WADANE, J.)

mkd