

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

**CIVIL APPLICATION NO. 11789 OF 2017
IN
FIRST APPEAL NO. 4210 OF 2016**

Varsha Wd/o Mahadeo Dhavale
and others

...APPLICANTS

versus

United India Insurance Company Ltd
and others

...RESPONDENTS

.....

Mr. Avinash D. Aghav, Advocate for applicants-claimants
Mr. S.G. Chapalgaonkar, Advocate for respondent No. 1
Mr. B.R. Jaybay, Advocate for respondent No. 2

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CORAM : K.K. SONAWANE, J.

DATED : 14th SEPTEMBER, 2017.

Order :-

1. Leave to correct the name of applicant No. 4 in present application.
2. Heard learned counsel for the applicant and respondent No. 1 Insurance Company as well as learned counsel for respondent No. 2. No one appears on behalf of respondent No. 3
3. Perused the application. Considering the nature of submissions, I find it justifiable to allow the applicants to withdraw 50% which accrued to Rs.9,00,000/- (Rupees Nine Lakhs) in lump-sum of the amount deposited in this Court by the appellant -Insurance Company. It would not cause injustice and prejudice to the appellant-Insurance Company. In contrast, it would sub-serve the purpose for substantial

justice. The applicants being widow, son and parents of deceased are permitted to withdraw the amount in following manner.

(I) Out of amount of Rs. 9,00,000/- (Rupees Nine Lakhs) deposited by the respondent No. 1 herein/appellant – Insurance company, Rs. 3,00,000/- (Rupees Three Lakhs) be kept in Fixed Deposit Receipts Account in the name of minor-Amar Mahadeo Dhavale in any Nationalized Bank till attaining his majority.

(ii) Out of rest of the amount, Rs. 4,50,000/- (Rupees Four Lakhs Fifty Thousand) be disbursed in favour of applicant No. 1 Varsha Mahadeo Dhavale and rest of the amount of Rs. 1,50,000/- be disbursed in favour of applicants No. 3 and 4 i.e. parents of the deceased equally (i.e. Rs. 75,000/- each).

(iii) The appellant -Insurance Company has deposited total sum of Rs. 17,95,561/-, out of which applicants are permitted to withdraw Rs.9,00,000/-(Rupees Nine Lakhs), rest of the amount be invested in FDRs in any Nationalized Bank for a period of two years or till adjudication of the appeal, whichever is earlier.

4. Accordingly, civil application is allowed in above terms and disposed of.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK