

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**924 CIVIL APPLICATION NO. 12263 OF 2017
IN FA/4241/2016**

RAMBHAU SHANKAR GHODE AND ORS.
VERSUS
UNITED INDIA ASSURANCE CO. LTD. THROUGH ITS ADMIN.
OFFICER (T.P. HUB) MAHENDRA PRATAP

...
Advocate for Applicants : Mr. Aghav Avinash D.
Advocate for Respondent No.1 : Mr.S.S. Rathi
...

CORAM : K.K. SONAWANE, J.

DATE : 27th September, 2017

PER COURT :

1. Heard learned counsel for the applicants.
Learned counsel Mr. S.S. Rathi waives service of
notice on behalf of respondent No.1-Insurance Company.
None appears for respondent Nos.2 to 4.

2. Learned counsel for the applicants contended
that respondent No.1-Insurance Company has already
deposited an amount of Rs.7,34,000/- in this Court on
18th December, 2016, therefore, he prayed for
withdrawal of the amount.

3. Learned counsel for respondent No.1-Insurance Company submitted that the findings of the learned Tribunal has already been assailed in the appeal and there is every hope of success in the Appeal. Therefore, he submits that the amount may not be allowed to be withdrawn.

4. In view of the reasons mentioned in the application as well as the submissions made on behalf of applicants i.e. original claimants, husband and sons of deceased, I find it justifiable to allow them to withdraw some part of compensation, which would not cause any injustice to the respondents. Hence, the applicants are permitted to withdraw 50% of the amount deposited by the appellants in this case, which would accrue to the amount of Rs.3,67,308/-.

5. Applicant Nos.2, 3 and 4 being sons of the deceased are permitted to withdraw Rs.50,000/- each (i.e. total Rs.1,50,000/-) from the amount of Rs.3,67,308/-, and, out of rest of the balance amount, amount of Rs.2,17,308/- be disbursed in favour of

applicant No.1. Accordingly, Registry to do the needful for disbursement of the amount of Rs.3,67,308/- in favour of the applicants in the manner, as directed above. The applicant Nos.1 to 4 shall file undertaking to the satisfaction of Registrar (Judicial) of this Court to the effect that in case the adverse situation arise after adjudication of appeal on merit, they would refund the amount forthwith as per order of this Court.

6. Registrar (Judicial) to invest balance of 50% amount (i.e Rs.3,67,308/-) in any Nationalized Bank for a period of two years or till adjudication of the Appeal on merit whichever is earlier.

6. In view of above directions, application stands disposed accordingly.

(K.K. SONAWANE, J.)

