

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
75 CIVIL APPLICATION NO. 12754 OF 2017
IN FAST/22452/2017**

**SADHANA INDRAJEET SOMVANSHI AND ORS
VERSUS
NEW INDIA INSURANCE CO. LTD., THR DIV. MANAGER,
AURANGABAD**

...

**Advocate for Applicants : Mr. Bhosle Mahesh K.
Advocate for Respondent :S. R. Bodade**

CORAM : K. L. WADANE, J.

DATE : 9th October, 2017

ORDER:

1. Heard learned counsel for the applicants as well as learned counsel for the respondent Insurance company.
2. This is an application filed by the applicants claimants for withdrawal of the amount of compensation deposited by the insurance company in this Court.
3. The learned counsel appearing for the respondent insurance company has strongly opposed the application on the ground that inappropriate multiplier is applied by the learned tribunal looking to the remaining service of the deceased. Learned counsel for the respondent submits that at the time of accident the deceased was 57 years old. He was due to retire within one year.

4. The learned counsel for the respondent has relied on the judgment of Calcutta High Court, reported in 2016 ACJ 1785, wherein, relying upon the decisions of the Apex Court, observed about appropriate multiplier to be adopted i.e. 1. Further, from the reasons recorded by the learned tribunal, it appears that the learned tribunal adopted the multiplier based upon the case of Sarla Varma (2009 ACJ 1298 SC). However, prima facie, it appears that only one years service of the deceased was remained. In such circumstances, considering the salary of the deceased and remaining period of his service and the amount of compensation awarded to the claimants, I am of the opinion that applicants can be permitted to withdraw Rs.10,00,000/-.

5. Hence, the applicants are allowed to withdraw 10,00,000/- out of the amount deposited in this Court together with proportionate interest accrued thereon.

6. Civil Application disposed of.

(K. L. WADANE, J.)

JPC