

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

18 CIVIL APPLICATION NO. 12583 OF 2017

IN

FIRST APPEAL NO. 3879 OF 2017

SUREKHA SANJAY CHAUDHARI AND ORS

VERSUS

RELIANCE GENERAL INSURANCE CO. THR ITS MANAGER,
AURANGABAD

...

Advocate for Applicants : Mr. Vishnu B. Madan

Advocate for Respondent No.1 : Mr. R. H. Dahat

Advocate for Respondent No.2 : Mr. D. S. Bagul

CORAM : K. L. WADANE, J.

DATE : 9th October, 2017

ORDER:

1. Heard learned counsel for the respective parties.

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 opposed the application on two grounds i. e. quantum of compensation and contributory negligence. At present, the award is in favour of the applicants/ claimants.

4. Looking to the grounds raised, I am of the opinion that at least 50% of the amount deposited in

the court can be paid to the applicant claimants.

5. The learned counsel for the applicants submits that the applicant No.3 Monika Sanjay Choudhari is now residing abroad and therefore cheque to be issued in her name may handed over to the applicant No. 1-mother.

6. In view of the above, applicants are allowed to withdraw 50% of the amount deposited in this Court together with proportionate interest accrued thereon. The amount of compensation be paid to the applicants 1 to 4 equally by issuing separate cheques in their names. Cheque of applicant no.3 be handed over to applicant No.1.

7. Civil Application is accordingly disposed of.

(K. L. WADANE, J.)

JPC