

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

935 CIVIL APPLICATION NO. 14856 OF 2017  
IN FAST/15842/2017

PREMA SAMPAT ROKADE AND ORS  
VERSUS

M/S NATIONAL INSURANCE CO. LTD., THR ITS ASST. MANAGER,  
MR. DHIRENDRAKUMAR B. MIS

...

Advocate for Applicants : Mr. Patil N.p. Jamalpurkar.

Advocate for Respondent No.1 : Mr. V. N. Upadhye.

**CORAM : K. L. WADANE, J.**

**DATE : 13<sup>th</sup> December, 2017**

**ORDER:**

1. This is an application for withdrawal of amount of compensation by the original claimants.

2. Heard Mr. Patil learned counsel for the applicants/original claimants as well as learned counsel appearing for the respondent No.1/Insurance Company. Learned counsel for the respondent No. 1/ Insurance Company argued that the insurance company has presented the appeal mainly on the four grounds; (i) there was head on collision between two vehicles, (ii) there was negligence on the part of driver of pick-up van, (iii) quantum and (iv) negligence. Based on these grounds, learned counsel for the insurance company has objection to pay the entire amount of compensation to the applicants.

3. Having heard both the sides and after going through the reasons recorded by the Tribunal, I am of the opinion that 75% amount of compensation can be paid to the claimants, as there are dependents upon the deceased.

4. In view of the above, Civil Application is allowed.

5. Applicants are permitted to withdraw 75% amount out of total compensation amount deposited in this Court along with interest accrued therein.

6. Remaining 25% amount shall be invested in any Nationalized Bank initially for a period of one year and shall be renewed from time to time as per the order of this Court.

7. Civil Application is disposed of.

**(K. L. WADANE, J.)**

mkd