

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

**CIVIL APPLICATION NO. 13051 OF 2017  
IN FA/840/2004**

SUNITA PRAKASH GHULE AND OTHERS  
VERSUS  
SAMIYODDIN SK JAMALODDIN AND ANOTHER

...  
Advocate for Applicants : Mr.Swapnil Dargad h/f. Mr.S.G.Chapalgaonkar.  
Advocate for Respondent No.2 : Mr. D. V. Soman.  
...

**CORAM : K.K. SONAWANE, J.**

**DATED : 12<sup>TH</sup> OCTOBER, 2017.**

**Order :-**

Heard learned counsel for the applicants (original claimants) and respondent No. 2 - United India Insurance Company Limited. None appears for respondent No.1 i.e. owner of the offending vehicle. Perused the application and relevant documents.

2. It has been submitted that, appeal filed on behalf of applicant-original claimant has already been adjudicated on merit by this Court on 1<sup>st</sup> March, 2016. This Court up set the impugned Order of the learned Tribunal and awarded the compensation of Rs.6,47,234/- (Rs. Six Lac Forty Seven Thousand Two Hundred Thirty Four Only) to the claimants by imposing monetary liability on both the respondents jointly and severally. Accordingly, pursuant to the order of this Court, respondent-Insurance Company has already deposited the amount in this Court. The applicants are seeking permission to withdraw the amount of compensation awarded by this Court in First Appeal No. 840 of 2004.

3. It has also been submitted that, as per direction of this Court, the applicants (original claimants) have already deposited deficit court fees, therefore, the application may be allowed.

4. In view of adjudication of appeal on merit by this Court under Order dated 1<sup>st</sup> March, 2016, there is no impediment to allow the

applicants for withdrawal of the amount as per condition stipulated in the operative part of the Judgment passed by this Court dated 1<sup>st</sup> March, 2016. It has been contemplated that the 75 % of the amount deposited in this Court be paid to applicant No.1 widow of deceased Prakash Ghule and rest 25 % of the amount be equally divided amongst minor applicants (original claimants). In view of the attending circumstances, application deserves to be allowed. In sequel, application stands allowed as under :-

(i) Applicant (original claimant) No.1 Sunita wd/o Prakash Ghule is permitted to withdraw the amount to the extent of 75 % of the total amount deposited in this Court by respondent – Insurance Company.

(ii) Rest 25 % of the amount deposited in this Court be disbursed equally in between minors applicant No.2 Aakash s/o. Prakash Ghule and applicant No.3 Parag s/o. Prakash Ghule and same be invested in Fixed Deposit Receipts Account in any Nationalized Bank till attaining their age of majority.

(iii) The Registry to do the needful for disbursement of the amount deposited in this appeal in favour of applicants (original claimants) in above terms.

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

**[ K. K. SONAWANE ]**  
**JUDGE**

rrd.