

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

919 CIVIL APPLICATION NO. 14855 OF 2017
IN FIRST APPEAL ST. NO.19726/2017

VIMAL MADHUKAR VARPE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS MANAGER
AURANGABAD AND ANR

...

Advocate for Applicants : Mr. Tarde Vivek V
Advocate for Respondent No.1 : Mr. S. R. Bodade

CORAM : K. L. WADANE, J.

DATE : 19th December, 2017

ORDER:

1. Heard Mr. Tarde, learned counsel for the applicants and Mr. Bodade, the learned counsel for the respondent Insurance company.

2. This is an application for withdrawal of the amount of compensation deposited by the Insurance Company. The learned counsel for the respondent Insurance company has opposed the application for withdrawal of the amount as the appeal is presented by the Insurance company on the ground of improper application of multiplier. According to the learned counsel for the Insurance company, the deceased was aged about 56 years at the time of accident. He was Government servant and his retirement was due within two years. Therefore appropriate multiplier to be

adopted was 2 and not 9 as adopted by the Tribunal. The learned counsel relied upon the observations in the case of **Gita Mondal Vs. Jagga Singh, reported in 2016 ACJ 1785** to indicate the proper multiplier to be adopted while considering age of a person in the employment of State Government.

3. In view of the above, I am of the opinion that applicants can be permitted to withdraw Rs.10,00,000/- (Rupees ten lakhs) out of Rs.50 lakhs deposited by the insurance company and they are accordingly permitted.

4. Remaining amount shall be invested in fixed deposit in any nationalized bank initially for a period of two years and thereafter as per directions of the Court.

5. Civil application is accordingly disposed of.

(K. L. WADANE, J.)

JPC