

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

917 CIVIL APPLICATION NO. 13980 OF 2017
IN FA/2705/2016

POOJA RAKESH SHARMA AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR BRANCH MANAGER,
AURANGABAD

...
Advocate for Applicants : Mr. Sandeep B. Rajebhosale
Advocate for Respondent : Mr. S.S. Dargad h/f
Mr. S.G. Chapalgaonkar
...

CORAM : K.K. SONAWANE, J.

DATED : 28th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant and respondent -Insurance Company. The applicants filed affidavit about utilization of the compensation amount allowed to be withdrawn earlier in her favour. The affidavit is taken on record and marked as Exhibit "X" for identification purpose.

2. It has been submitted that respondent - Insurance company has preferred an appeal against impugned judgment and award passed by the Tribunal at Aurangabad for grant of compensation on account of death of deceased Rakesh Sharma. But, the first appeal filed before this Court came to be settled amicably before the Lok-Adalat. The total amount of Rs. 5,04,661/- is still lying in this court for its withdrawal by the original claimants. Therefore, the applicants preferred the present application seeking permission to withdraw the same.

3. Admittedly, applicant No. 3 is the minor son of two years old of the deceased Rakesh Sharma, whereas applicants No. 1 and 2 are his widow and real brother. In view of age of applicant No. 3, the

applicants were directed to invest sum of Rs. 3,00,000/-in Fixed Deposit Receipts in any nationalized Bank till he attends majority. During the pendency of appeal respondent -Insurance Company deposited some part of the decretal amount and it has been withdrawn by the present applicant. But, it seems that there were no compliance of the directions issued by the Tribunal for investment of the amount in Fixed Deposit Receipts for welfare of minor son Kabir Rakesh Sharma, etc.

4. At this juncture learned counsel for the applicants fairly conceded that out of amount of Rs. 5,04,661/-, the sum of Rs. 4,00,000/-be invested in the Fixed Deposit Receipts account in the name of minor son Kabir Rakesh Sharma in the Nationalized Bank till he attains majority. I find suggestion acceptable to sub-serve the purpose of welfare of the minor child in future. If the amount awarded in the share of minor claimant is frittered away, the very object of law would be defeated. In order to protect the interest of minor child, the sufficient amount should be directed to be invested. Therefore, I have no impediment to allow the applicants for withdrawal of the amount deposited in this Court. Accordingly, application stands allowed. A sum of Rs. 4,00,000/- out of Rs. 5,04,661/- deposited in this court be invested in any Nationalized Bank in the name of minor son Kabir Rakesh Sharma under the guardianship of his real mother Pooja wd/o Rakesh Sharma, till he attains the age of majority. Rest of the balance amount is allowed to be withdrawn by applicants No. 1 and 2 equally. Registry to take requisite steps for disbursement of the amount as mentioned above. Accordingly, application stands disposed of.

[K. K. SONAWANE]
JUDGE

MTK.