

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

929 CIVIL APPLICATION NO. 15325 OF 2017
IN FAST/8919/2017

SHIRIN BEGUM SAYYED FIRDOS
VERSUS
BHARTI AXA GENERAL INSURANCE CO. LTD THR ITS
MANAGER AND ORS

...

Advocate for Applicant : Mr. Raje Vikrant P.
Advocate for Respondent no.1 :Mr.R. H. Dahat
Advocate for Resp. Nos. 2 and 3 : Mr. Quadri Taher
Ali

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WITH

CIVIL APPLICATION NO. 15326 OF 2017
IN FAST/8919/2017

SAYYED LAYAK ALI S/O SD. MAULANA AND ANR.
VERSUS
BHARTI AXA GENERAL INSURANCE CO. LTD THR ITS
MANAGER AND ORS

...

Advocate for Applicant : Mr. Raje Vikrant P.
Advocate for Respondent no.1 :Mr.R. H. Dahat
Advocate for Resp. Nos. 2 and 3 : Mr. Quadri Taher
Ali

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CORAM : K.L.WADANE, J.

DATED : 20th December, 2017

O R D E R :

Heard learned counsel for both sides.

2. These are two applications presented by
the legal representatives of deceased Syed Firdos

for withdrawal of the amount of compensation.

3. Learned Tribunal observed that the applicant widow of the deceased is entitled to get 50 per cent amount of compensation. In addition to that she will get Rs.1,00,000/- for loss of consortium and the learned Tribunal further observed that the applicant in Civil Application No. 15326 of 2017 i.e. parents of the deceased are entitled for 50 per cent amount out of the total amount of compensation.

4. The applicants in both the applications have prayed to withdraw amount of compensation.

5. Learned counsel appearing for the insurance company strongly opposed the application for withdrawal of compensation on the ground that on the date of accident the deceased was not earning anything. There is evidence on record that the contract between the deceased and the company had come to an end.

6. In view of above, at present the award is in favour of the applicants. Therefore, the applicant in Civil Application No. 15325 of 2017

is permitted to withdraw Rs.Ten Lakh and the applicant in Civil Application No. 15326 of 2017 if permitted to withdraw Rs.Ten Lakh out of the total amount of compensation. Remaining amount is directed to be kept in fixed deposit in any nationalized bank initially for a period of one year.

7. Civil Applications are disposed of

(K.L.WADANE, J.)

dbm