

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2058 OF 2017
IN FA/3174/2015

DATTATRAYA NARSINGHRAO KALLAPAWAR AND ANR
VERSUS
UNITED INDIA INSURANCE CO. LTD. THR ITS DIVISIONAL
MANAGER, NANDED AND ANR

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Mr. Ganesh Mohekar, Advocate h/f. Mr. A.B. Shinde, Advocate for
applicants

Mr. V.R. Mundada, Advocate for respondent no.1

Mr. Y.K. Bodade, Advocate for respondent no.2

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 03-04-2018

ORDER :

1. Heard learned counsel for the parties.
2. The applicants are parents of deceased Gajanan, who had been the only earning member in the family. They were dependents and with death of Gajanan, the source of livelihood has been lost to the family. It is being claimed by insurance company, its liability had been limited. The tribunal has awarded compensation to the tune of Rs.1,00,000/- along with interest thereon at the rate of 7.5% per annum from the date of petition.

3. The insurance company is before this court as appellant, questioning the award, contending that insurance company may not be liable to bear the responsibility to pay.

4. Although, this is submission on behalf of the insurance company, there does not appear to be any particular dispute about applicants being in need of compensation since their son Gajanan - earning member had been lost. As on the date, award is in favour of claimants. In the circumstances, it would be expedient to allow the applicants to withdraw a sum of Rs.1,50,000/- (Rs. One Lakh Fifty Thousand) from the amount deposited in this court, subject to filing undertaking that they will pay back / re-deposit the amount in this court within a period of three months from date of decision in appeal, if the same goes against them. Undertaking to be filed within four weeks from today.

5. Civil application is accordingly disposed of.

[SUNIL P. DESHMUKH]
JUDGE

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