

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

**919 CIVIL APPLICATION NO. 2561 OF 2018
IN
FAST/34717/2017**

**MAYABAI LAHU PATIL AND ORS
VERSUS
SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS DIVISIONAL
MANAGER AURANGABAD**

**...
Advocate for Applicants : Mr. Patil Shrikant S.
Advocate for Respondent : Mr. S. G. Chapalgoankar.**

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CORAM : V.L. ACHLIYA, J.

DATED : 20th JULY, 2018

PER COURT:-

1. The applicants have moved this application for withdrawal of the amount of Rs.19,46,658 deposited by the appellant – Insurance Company towards the satisfaction of the award.
2. Heard learned counsel for the applicants and the appellant – Insurance Company. Perused the impugned award passed by the Tribunal.
3. Mr. Chapalgaonkar, learned counsel for the appellant – Insurance Company opposed the application with the contention that the award passed is on higher side and compensation awarded under non pecuniary head is contrary to the decision rendered by the Apex Court in the case of *National Insurance*

Co. Ltd vs Pranay Sethi reported in *(2017) 16 SCC 680*. He further submits that no evidence adduced by the claimants to prove the earnings of Rs.9,000/- per month.

4. On due consideration of the submissions advanced in the light of overall facts of the case and the grounds raised in the appeal, I am of the view that passing of following order would meet the ends of justice :-

O R D E R

(A) Subject to final outcome of the appeal, the applicants are permitted to withdraw the amount to the extent of Rs.6,00,000/- (Rupees Six Lakhs) out of the amount deposited by the appellant – Insurance Company on furnishing undertaking to the satisfaction of Registrar (Judicial) to the effect that in case, the appeal is allowed the applicants shall deposit the amount withdrawn in twelve (12) weeks from the date of order.

(B) On furnishing undertaking, the amount of Rs.6,00,000/- (Rupees Six Lakhs) be paid to the applicant nos.1 to 3 in equal proportion by transfer of amount in their respective saving bank accounts (as per particulars of account to be furnished by the applicants) by way of electronic transfer through RTGS / NEFT or any other permissible mode of transfer of funds.

(C) After making the payment of Rs.6,00,000/- (Rupees Six Lakhs), the balance amount shall be invested in a fixed deposit

with State Bank of India, High Court Branch, Aurangabad, initially for a period of three years with standing instructions to renew the fixed deposit till further orders from the Court.

(D) The amount of interest accrued over the amount invested in fixed deposit shall be transfer in equal proportion after every three months in the saving accounts of applicant nos. 1 to 3, till further orders from the Court.

(E) The amount of interest accrued shall be credited to the savings account of the applicant nos.1 to 3 after every three months by electronic transfer / RTGS / NEFT.

(F) Liberty to apply for withdrawal of the additional amount in case there is a pressing need.

(G) The civil application is disposed of in the aforesaid terms.

(V.L. ACHLIYA)
JUDGE

SPR