

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

924 CA/3326/2018 IN FA/204/2016
SAKHUBAI PRAMOD LOKHANDE AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. THR ITS MANAGER (LEGAL
HUB) THR AVINASH ACHYUT B

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Advocate for Appellant : Mr. M.M. Ambhore

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CORAM : K.K. SONAWANE, J.

DATED : 13th JUNE, 2018.

Order :-

1. Heard learned counsel for the applicants and learned counsel for respondent No.1 Insurance company. No one else turned up for respondent No.2
2. The present application is moved, seeking permission to withdraw the amount of compensation deposited by the Insurance company in this court. The respondent – Insurance company has deposited in all Rs. 8,73,709/- in this court towards compensation awarded by the Tribunal. The applicants-claimants are seeking permission to withdraw the same.
3. Learned counsel for respondent No.1 Insurance company raised objection that the issue raised in the appeal is in regard to involvement of the offending vehicle. Therefore, the entire amount may not be allowed to be withdrawn by the claimants.
4. In view of submissions on the part of respondent No.1 Insurance company, I find that some part of compensation amount is required to be disbursed in favour of the applicants pending appeal. It would sub-serve the purpose in the interest of justice.
5. Hence, the application is partly allowed. The applicants are

permitted to withdraw an amount of Rs. 5 Lakhs from the amount of compensation deposited by the Insurance company in this court. It is to be noted that applicant Nos. 3 to 5 are daughter and minor sons of deceased Pramod. The applicant No.2 Vittahal has attained the age of majority. Therefore, it would be justifiable to allow the applicant Nos. 1 and 2 for withdrawal of Rs. 1 Lakh each, from the lump sum amount of Rs. 5 Lakhs. Rest of the balance amount of Rs. 3 Lakhs be deposited in the Fixed Deposit Account in the name of respondent Nos. 3 to 5 equally i.e. Rs. 1 Lakh each, in any Nationalized bank till they attain age of majority. Rest of the balance amount deposited by the Insurance company in this court, be invested in FDR account in any nationalized bank for a further period of two years, to be renewed till disposal of the appeal. Accordingly, civil application stands disposed of.

[K. K. SONAWANE]
JUDGE

grt.