

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3657 OF 2018
IN FA/2689/2015

JYOTI KAILAS PALANDE AND OTHERS
VERSUS
THE BRANCH MANAGER, NEW INDIA ASSURANCE CO. LTD.,
AHMEDNAGAR AND ANR.

...
Mr. Shaikh Mazhar A. Jahagirdar, Advocate for applicants
Mr. V.R. Mundada, Advocate for respondent no.1
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 14-03-2018

ORDER :

1. This is an application for withdrawal of amount deposited by insurance company in this court by claimants.
2. Learned counsel has referred to that the family practically has no source of income. Applicant no.1 is widow and applicants no. 5 and 6 are parents of the deceased and their bread earner has been lost. The accident had occurred in 2014. The family is in dire need of compensation for livelihood as well as educational expenses of applicants no. 2 to 4.
3. Learned counsel for respondent insurance company - original appellant submits that the involvement of vehicle is doubtful

and, as such, insurance company may not be liable to bear the burden of compensation.

4. Although, this is being so contended, having regard to that the tribunal has granted compensation to the claimants with reference to its appreciation of evidence and having regard to the prevailing circumstances, it would subserve cause of justice and expedient to allow the application, letting applicants no. 1 , 5 and 6 to withdraw $1/6^{\text{th}}$ share each, from the amount deposited and the accruals thereon, subject to filing undertaking that they will pay back / redeposit the amount in this court within a period of three months from the date of decision in appeal, if decision goes against them.

5. So far as rest of the amount is concerned, the same be invested in fixed deposit of a nationalized bank earning higher interest.

6. Civil application accordingly is allowed and is disposed of.

[SUNIL P. DESHMUKH]
JUDGE

arp/