

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4188 OF 2018
IN FAST/34843/2017

SAVITA WD/O PANDHARINATH BALI AND ORS
VERSUS
THE SHRIRAM GENERAL INSURANCE CO. LTD., THR. ITS BRANCH
MANAGER, AURANGABAD AND ORS.

...
Mr. N.K. Chaudhari, Advocate for applicants
Mr. S.G. Chapalgaonkar, Advocate for respondent no.1
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 26-03-2018

ORDER :

1. Heard learned counsel for the parties.
2. Earning member of the family has died in accident. Applicants were dependent on him. The tribunal had granted compensation of Rs. 31,85,000/- to claimants with interest at the rate of 9% per annum thereon from the date of order till realization of the amount. The tribunal had further directed Rs.5,00,000/- each, for claimants no. 2 and 3, be kept in fixed deposit of any nationalized bank and Rs. 5,00,000/- of claimant no. 4, were directed to be kept in fixed deposit till he becomes major. Tribunal had further directed applicant no.1 to deposit

Rs.5,00,000/- in a nationalized bank, allowing her to withdraw sum of Rs.11,85,000/- towards her apportioned share.

3. It appears that pursuant to award by the tribunal, sum of Rs.49,92,627/- has been deposited in this court.

4. Though, learned counsel for appellant-insurer resists the application, yet, the applicants being dependents, shall receive their due. They have lost their earning source. Applicant no.1 has fairly referred to that on occasions, she has been working on compassionate ground, however, the income derived therefrom is falling short to maintain family. They have been in dire need of the amount.

5. Having regard to the aforesaid, it would be expedient to allow applicants to withdraw a sum of Rs.20,00,000/- (Rupees Twenty Lakhs) along with accrued interest thereon from the amount deposited in this court by appellant, subject to filing undertaking that they will pay back / re-deposit the amount in this court within a period of three months from the date of decision in the appeal, if the decision goes against them. Undertaking to be filed within three weeks from today.

6. Needless to refer to that it would be expedient that amount allowed to be withdrawn under this order, be disbursed equally amongst the applicants and so far as applicant no. 4 is concerned, his share may be allowed to be withdrawn by applicant no.1 upon furnishing an undertaking that amount being so withdrawn for applicant no.4, would be expended over him.

7. Civil application accordingly stands disposed of.

[SUNIL P. DESHMUKH]
JUDGE

arp/