

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

CIVIL APPLICATION NO. 4625 OF 2018
IN
FIRST APPEAL NO. 1440 OF 2017

Hanuman Sahebrao Bothe and another .. Applicants

vs

BhaRTI Axa General Insurance Co. Ltd
and another .. Respondents

Mr. Sachin S. Kothari, Advocate for applicants
Mr. S. S. Patil, Advocate for respondents

CORAM : SUNIL P. DESHMUKH, J.
DATE : 9th April, 2018

ORDER :

1. Applicants are parents of the deceased. They claim compensation for loss of their daughter. The tribunal accepted the claim to the tune of Rs.13,16,000/-. The amount is required by the applicants for their day to day life. Their mental state and earning has been affected due to death of their daughter. It is being submitted that the applicants are in acute need of amount and their financial condition is precarious.

2. Learned counsel for respondent-insurer – appellant in the first appeal submits that the claim for compensation granted is

excessive. Evidence may not be sufficient to support the claim. And as such liability to pay the amount as granted under the award would not be incurred by the appellant – insurer.

3. However, looking at the reasons in the application, need of the family and other aspects having not been seriously disputed, it would be expedient to allow the applicants to withdraw fifty per cent of total deposited amount with interest accrued thereon on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this court to the effect that in the event decision in first appeal is adverse to their interest, they would pay back / deposit the amount being withdrawn under this order in this court within a period of three months from the date of decision in the appeal.

4. Application is accordingly allowed and is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd