

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

CIVIL APPLICATION NO. 5153 OF 2018
IN FAST/2310/2018

SMT. ANUSHREE RAVIKANT NARLAWAR AND ORS
VERSUS
RAVINDRA RAMBHAU GADEKAR AND ANR

...
Advocate for Applicants : Ms. Pratibha J. Bharad.
Advocate for Respondent No. 2 : Mr. S. R. Bodade.
...

CORAM : K.K. SONAWANE, J.

DATED : 26th JUNE, 2018.

Order :-

1. Heard Ms. Pratibha Bharad, learned counsel for applicants-original claimants and Mr. S. R. Bodade, learned counsel for respondent No.2 Insurance Company. No one else appeared on behalf of respondent No.1 i.e. owner of the offending vehicle. Perused the application and relevant documents.
2. The present application is moved for permission to withdraw the decretal amount deposited in this Court towards compensation for the death of Ravikant Anjayya Narlawar in vehicular accident.
3. Learned counsel for respondent No.2 Insurance Company raised objection and submits that the learned Tribunal has awarded an excessive compensation amount without taking into consideration the income of deceased in proper manner. Moreover, there were no documents on record to show that the deceased was getting income of Rs.2,80,000/- per year. He has also put in controversy the involvement of the offending vehicle in the alleged accident. Hence, he requested that the application may not be allowed.
4. Having considered the arguments advanced on behalf of both sides, it reveals that the learned Tribunal after considering the entire factual aspects on record granted the compensation amount to the

applicants-original claimants for causing death of their family member in vehicular accident. The claimants are the widow, children and parents of the deceased Ravikant Anjayya Narlawar.

5. In view of nature of the subject matter and the objection raised on behalf of appellant- Insurance Company, I find that it would justifiable to allow the claimants to withdraw at least 60 % of the amount deposited in this Court. It would definitely sub-serve the purpose in the interest of justice. It would not cause any injustice to the Insurance company. Hence, application deserves to be allowed to that extent.

6. Accordingly, application stands allowed partly. The applicants-original claimants are permitted to withdraw the total lump sum of Rs. 25,00,000/- (Rs. Twenty Five Lakhs Only) from the amount deposited in this Court on behalf of Insurance Company subject to condition of furnishing undertaking to the effect that applicants would refund the amount so withdrawn forthwith, in case any adverse situation arises in the appeal.

7. It is stipulated that out of total sum of Rs. 25,00,000/- (Rs. Twenty Five Lakhs) to be paid to the applicants- original claimants, the amount of Rs. 7,00,000/- (Rs. Seven Lakhs Only) each be invested in the name of children of deceased Ravikant Anjayya Narlawar i.e. minor applicant No. 2 Kum. Mohini d/o. Ravikant Narlawar and applicant No.3 Mandar s/o. Ravikant Narlawar in Fixed Deposit Receipts Account in any Nationalized Bank for a period of six years. Thereafter, from the balance amount of Rs.11,00,000/- (Rs. Eleven Lakhs Only), amount of Rs.2,00,000/- (Rs. Two Lakhs Only) each be paid to the parents of deceased Ravikant Anjayya Narlawar i.e. applicant No. 4 Rukhmini w/o. Anjayya Narlawar and applicant No.5 Anjayya s/o. Narsingrao Narlawar and rest of the balance amount of Rs.7,00,000/- (Rs. Seven Lakh Only) be paid to applicant No.1 Smt. Anushree Ravikant Narlawar i.e. widow of deceased Ravikant Anjayya Narlawar.

8. However, the remaining decretal amount deposited on behalf of Insurance Company in this court be invested in the Fixed Deposit Receipts account in any Nationalized Bank for a period of two years or till decision of the appeal, whichever is earlier with liberty to renew the same in future, if required. The Registry to do the needful for disbursement of the amount as mentioned above.

9. The civil application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.