

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

940 CIVIL APPLICATION NO. 6557 OF 2018
IN FAST/32294/2017

SANGITA RAMDAS PANDHARE AND ORS
VERSUS
NATIONAL INSURANCE CO. LTD., THR ITS BRANCH MANAGER,
AHMEDNAGAR AND ANR

...
Advocate for Applicants : Mr. Umakant U. Wagh
Adv. for Respondent No. 1 : Mr. S.V. Kulkarni
...

CORAM : K.K. SONAWANE, J.

DATED : 15th JUNE, 2018.

Order :-

1. Heard learned counsel for the applicants-original claimants and learned counsel for respondent No. 1. No one else turned up on behalf of respondent No. 2.
2. Present application is filed by the applicants seeking permission for withdrawal of decretal amount deposited in this Court by the respondent-Insurance Company herein.
3. It has been submitted that the appellant-Insurance Company has deposited near-about Rs.23,00,000/- towards compensation in this Court as per directions of the learned Tribunal.
4. The respondent-Insurance Company filed an appeal and raised objection in regard to quantum of compensation amount. It has been alleged that the deceased Ramrao Tanaji Pandhare was driving his motor-bike in rash and negligent manner. The contributory

negligence determined by the Tribunal is put in controversy on behalf of the appellant. In such circumstances, it would not just and proper to allow the applicants - original claimants to withdraw the entire amount. However, considering the factual score, it would be justifiable to allow the applicant to withdraw lump-sum of Rs. 15,00,000/- from the total sum of Rs. 23,00,000/- deposited in this Court.

5. Accordingly, the application is partly allowed. The applicants are permitted to withdraw total sum of Rs. 15,00,000/- from the amount deposited in this Court subject to condition of furnishing undertaking to the effect that the applicants-original claimants would refund the amount so withdrawn, in case, any adverse situation arises in the appeal. It is stipulated that out of Rs. 15,00,000/-, an amount of Rs. 5,00,000/- be deposited in the name of minor applicant- Saloni Ramdas Pandhare in the FDR account in any Nationalized Bank till she attains her age of majority. Rest of amount of Rs 10,00,000/- be disbursed in favour of the applicants as mentioned above. However, rest of the balance amount deposited in this Court be invested in the FDR 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, if required. The Registry to take requisite steps for disbursement of the amount.

6. The Civil application stands disposed of in above terms. No order as to costs.

[K. K. SONAWANE]
JUDGE