

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

CIVIL APPLICATION NO. 6038 OF 2018
IN FAST/39907/2017

MANISHA SHIVDAS GHAN AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS MANAGER,
AURANGABAD AND ORS

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Advocate for Applicants : Dr.Swapnil D. Tawshikar
Advocate for Respondent No.1 : Mr.M.R.Deshmukh h/f.
Mr.S.G.Chapalgaonkar.

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CORAM : K.K. SONAWANE, J.
DATED : 15th JUNE, 2018.

Order :-

1. Heard Mr. Tawshikar, learned counsel for applicants-original claimants and Mr. Deshmukh h/f. Mr. Chapalgaonkar, learned counsel for respondent No.1- Insurance Company. Perused the application and relevant documents produced on record.

2. It has been submitted that the appellant-Insurance Company has deposited in all Rs.10,27,084/- (Rs. Ten Lakh Twenty Seven Thousand Eighty Four Only) in this Court towards compensation amount as awarded by the learned Tribunal. It has brought to the notice of this Court that the learned Tribunal has issued direction to keep Rs.2,00,000/- (Rs. Two Lakh Only) each in the Fixed Deposit Receipts account in the name of minor claimants- applicant No.2 Kum. Dnyaneshwari d/o. Shivdas Ghan and applicant No.3 Chi. Krushna s/o. Shivdas Ghan. It has also been further directed to pay Rs.1,00,000/- (Rs. One Lakh Only) to respondent No.4 Laxmibai w/o. Sakham Ghan, who was the mother of deceased Shivdas. After deducting the total, the sum of Rs.5,00,000/- (Rs. Five Lakh Only) comprising Rs.2,00,000/- (Rs. Two Lakh Only) each in the name of minors and Rs.1,00,000/- (Rs. One Lakh Only) payable to respondent No.4 Laxmibai w/o. Sakham Ghan, there is no impediment to allow applicant No.1 Manisha Shivdas Ghan to withdraw the rest amount of Rs.5,27,084/- (Rs. Five Lakh Twenty Seven Thousand Eighty Four Only) with interest accrued thereon. In view of attending

circumstances, the application deserves to be allowed.

3. Accordingly, application stands partly allowed. The applicant-claimant No.1 Manisha wd/o. Shivdas Ghan is hereby permitted to withdraw the amount of Rs.5,27,084/- (Rs. Five Lakh Twenty Seven Thousand Eighty Four Only) with interest accrued thereon subject to condition of furnishing undertaking to the effect that the applicant-claimant would refund the amount so withdrawn in case any adverse situation arises in the appeal. The further amount of Rs.2,00,000/- (Rs.Two Lakh Only) each from the amount deposited in this Court towards compensation be invested in Fixed Deposit Receipts account in the name of minor applicant No.2 Kum. Dnyaneshwari d/o. Shivdas Ghan and applicant No.3 Chi. Krushna s/o. Shivdas Ghan, in any nationalized bank till both attain age of majority. The rest of the balance amount of Rs.1,00,000/- (Rs. One Lakh Only) be kept reserve for payment to respondent No.4 Laxmibai w/o. Sakharam Ghan. The Registry to do the needful for disbursement of the amount as mentioned above. Accordingly, application stands disposed of.

[K. K. SONAWANE]
JUDGE

rrd.