

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

CIVIL APPLICATION NO. 6539 OF 2018 IN FAST/39632/2017

RANJANA GANESH RAWALKAR AND OTHERS
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.10,67,027/- (Rs. Ten Lakh Sixty Seven Thousand Twenty Seven Only) in this Court towards compensation amount awarded by the learned Tribunal and payable to the respondents-original claimants. The present application is moved by applicants-original claimants for withdrawal of the same amount. 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 Umesh s/o. Ganesh Rawalkar and applicant No.3 Komal d/o. Ganesh Rawalkar. There was further direction to keep Rs.1,00,000/- (Rs. One Lakh Only) in Fixed Deposit Receipt account in the name of of applicant No.1 Ranjana w/o. Ganesh Rawalkar. According to the Tribunal, the parents of deceased Ganesh Bhaurao Rawalkar i.e. applicant No.4 Gitabai Bhaurao Rawalkar and applicant No.5 Bhaurao Bhika Rawalkar are entitled to get Rs.1,00,000/- (Rs. One Lakh Only) each with

accrued interest thereon towards compensation in this case. In view of directions, it would be justifiable to keep aforesaid amount in Fixed Deposit Receipts in any nationalized bank and rest of the amount is available for applicant No.1 for withdrawal after payment of Rs.1,00,000/- (Rs. One Lakh Only) each with interest accrued thereon to applicants No. 4 and 5. In view of attending circumstances, the application deserves to be allowed.

3. Accordingly, application stands partly allowed. The amount of Rs.2,00,000/- (Rs.Two Lakh Only) each from the amount deposited in this Court towards compensation be invested in the name minor applicant No.2 Umesh s/o. Ganesh Rawalkar and applicant No.3 Komal d/o. Ganesh Rawalkar, in Fixed Deposit Receipts account in any nationalized bank till both attain age of majority. In addition, the further amount of Rs.1,00,000/- (Rs. One Lakh Only) be invested in the name of applicant No.1 Ranjana w/o. Ganesh Rawalkar in Fixed Deposit Receipts account in any nationalized bank for a period of five years. The applicants-original claimants are hereby permitted to withdraw the rest of the balance amount subject to condition of furnishing undertaking to the effect that the applicants-claimants will refund the amount so withdrawn in case any adverse situation arises in the appeal. The Registry to do the needful for disbursement of the amount as mentioned above. The civil application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.