

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

925 CIVIL APPLICATION NO. 6925 OF 2018
IN FAST/2345/2018 WITH CA/2795/2018 IN FAST/2345/2018 WITH
CA/2796/2018 IN FAST/2345/2018

SUNITA BALASAHEB MUNDHE
VERSUS
UNITED INDIA INSURANCE CO. LTD., THIR BRANCH MANAGER, AURANGABAD
AND ANR

...
Advocate for Applicant : Mr. Avinash D Aghav
Adv for Respondent No.1: Mr. A.G. Kanade.

CORAM : K.K. SONAWANE, J.
DATE : 8th JUNE , 2018.

PER COURT:

Heard learned counsel for the applicant and learned counsel respondent Insurance company. None appears for rest of the respondents.

2] The matter pertains to motor accidents claim under the Motor Vehicles Act. The appellant/Insurance company has already deposited a total amount of Rs. 11,09,796/-, towards compensation awarded by the Tribunal.

3] The learned counsel for the appellant/Insurance company submits that the age of the deceased was 2 and ½ years and considering the circumstances, the Tribunal has awarded exorbitant amount of compensation. Therefore, the entire amount may not be allowed to be withdrawn on behalf of the applicant. He fairly conceded to allow the applicant to withdraw 50% of the amount deposited in this court. After considering the submissions canvassed on behalf of both sides and the circumstances on record, I find substance in the contentions put forth on behalf of learned counsel for appellant/insurance company.

4] In that view of the matter, the applicant be allowed to withdraw 50% of the amount of compensation deposited by the appellant Insurance company in this court.

5] Accordingly, the application stands partly allowed. The applicant original claimant is hereby permitted to withdraw 50% of the amount deposited by the Insurance company in this court, subject to condition that the applicant shall furnish an undertaking to the effect that in case any adverse situation arises in the appeal, she would refund the amount forthwith as per the directions of this court. The application stands disposed of. Registry to do the needful for disbursement of the amount in favour of the applicant.

[K.K. SONAWANE]
JUDGE.

grt/-