

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

10 CIVIL APPLICATION NO. 8563 OF 2018
IN FAST/30851/2017 WITH CA/12169/2017 IN FAST/30851/2017

MALANBAI BHIVLAL AUCHARMAL AND ORS
VERSUS

THE DIVISIONAL MANAGER, THE NEW INDIA INSURANCE CO. LTD.,
AURANGABAD AND ORS

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Advocate for Applicants : Shri Dhage Babasaheb V.

Advocate for Respondent no.1 : Shri S. G. Chapalgoankar

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CORAM: V.L. ACHLIYA, J.

DATE: 13.07.2018

PER COURT :

1] The applicants have moved this application to withdraw the amount deposited by the appellant – Insurance Company.

2] Heard learned counsel for the applicants and the respondent no.1 – Insurance Company. Perused the judgment and order passed by the Tribunal.

3] The respondent no.1 herein, who is the appellant, has preferred the appeal challenging the quantum of compensation awarded by the Tribunal. The applicant no.1 is widow of deceased Bhivlal, who died in accident. The

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applicant nos.2 & 3 are the major sons of deceased Bhivlal. The applicant no.2 is serving as Junior Technician. The applicant no.3 is claimed to be prosecuting education.

4] Considering the overall facts of the case and the grounds raised in the appeal, following order is passed :-

O R D E R

a] The applicant nos.1 to 3 are permitted to withdraw the amount to the extent of Rs.10,00,000/- out of the amount deposited by the respondent no.1 – Insurance Company. Out of amount of Rs.10,00,000/-, the amount of Rs.5,00,000/- be paid to the applicant no.1 by transferring the amount in her bank account by way of RTGS / NEFT. Balance amount of Rs.5,00,000/- be paid to the applicant nos.2 & 3 in equal proportion by transferring the amount in their respective bank accounts.

b] After making the payment of Rs.10,00,000/-, the balance amount be invested with State Bank of India, High Court Branch, Aurangabad,

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initially for a period of two years and the same be renewed from time to time. The interest accrued over the amount invested in fixed deposit be paid to the applicant no.1 after every three months by transferring the amount in her savings bank account by issuing standing instructions to that effect to the concerned bank.

c] Civil application is disposed of in the aforesaid terms.

(V.L. ACHLIYA, J.)