

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

63 CIVIL APPLICATION NO. 7719 OF 2018
IN FA/5008/2017

CHANDRABHAN MANAJI LONDHE AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS ADMINISTRATIVE
OFFICER, AURANGABAD AND O

...
Advocate for Applicants : Mr. Kakasaheb B. Jadhav
Advocate for Respondent No. 1 : Mr. S.S. Rathi
...

CORAM : K.K. SONAWANE, J.

DATED : 2nd JULY, 2018.

Order :-

1. Heard learned counsel for the applicants and respondent No. 1- Insurance Company. No one else appeared on behalf of respondents No.2 and 3. Perused the application.
2. The learned counsel for respondent No.1 – Insurance Company submits that the Motor Accident Claims Tribunal has not considered the actual circumstances on record. Moreover, the Tribunal has also calculated the income of the deceased at higher rate. Hence the learned counsel for respondent No. 1-Insurance Company opposed for withdrawal of the amount by the applicants till decision of the appeal.
3. Taking into consideration the objection raised on behalf of the appellant -Insurance Company, I find that the applicants can be allowed to withdraw Rs. 5,00,000/- (Rupees Five Lakhs) from the amount of compensation deposited by Insurance Company in this Court which would sub-serve the purpose in the interest of justice. In such circumstances, application deserves to be allowed partly.

4. The civil application stands partly allowed. The applicants are allowed to withdraw lump-sum amount of Rs. 5,00,000/- (Rupees Five Lakhs) from the decretal amount deposited in this court subject to condition that the applicants shall furnish undertaking that in case any adverse situation arises in the appeal, they will refund the amount so withdrawn, within stipulated period, as directed by this Court. Rest of the balance of decretal amount be invested in any Nationalized Bank initially for a period of two years or till disposal of the appeal whichever is earlier with liberty to renew the same in future, if required.

5. The civil application stands disposed of accordingly.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK.