

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

916 CIVIL APPLICATION NO 11890 OF 2018
IN
FA/4534/2017

ROHINI ROHIT SONDGE AND ORS
VERSUS
REMESH ASHRUBA HADULE AND ORS

...

Advocate for Appellant : Mr.Usmanpurkar Aniruddha S.
Advocate for Respondent Nos 1 to 4 :Mr. Swapnil Dargad
h/f Mr. Prasanna D.Dadpe

...

CORAM : SUNIL K.KOTWAL, J.

DATE : NOVEMBER 28, 2018

O R D E R :

This application is for withdrawal of the compensation amount deposited in this Court.

2. Learned counsel for the Insurance Company objected this application on the ground that the Tribunal awarded exorbitant compensation and without considering the two sources of the income and by considering the individual income tax return of the deceased. He submits that even the income tax return was filed after the death of the deceased.

3. Advocate Dargad, learned counsel h/f Mr. Prasanna Dadpe, learned counsel for respondent Nos. 1 to 4 submits that in connected appeal, applicants are allowed to withdraw 50% amount of compensation with interest thereon.

4. I have gone through the judgment and award passed by the Tribunal.

5. Obviously, the Tribunal has awarded exorbitant compensation under the conventional head, which is not in consonance with the judgment of the Larger Bench of the Apex Court.

6. Considering these circumstances, I find it proper to allow applicant to withdraw 50% of the compensation amount with accrued interest thereon, subject to the filing of written undertaking in appeal, within eight weeks, from the date of passing of this order, for deposit of the withdrawal amount, as and when directed by this Court.

7. Remaining amount shall be invested in fixed deposit in any nationalized Bank, till the appeal is finally disposed of.

8. Out of withdrawn amount, the compensation

amount of claimant Nos.1,3 and 4 be transmitted in their Saving Bank Accounts in proportion with the apportionment made in Clause 3 of the award passed by the Tribunal.

9. Registrar (Judicial) to act upon it and shall invest the compensation amount of share of Claimant No. 2, who is minor, in fixed deposit in any Nationalized Bank as per the directions of the Tribunal.

10. Civil application is disposed of.

[SUNIL K.KOTWAL, J.]

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