IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

922 CIVIL APPLICATION NO.9815 OF 2018
IN FA/2107/2018

JYOTI SANJAY OMASE AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS DIV. MANAGER, AURANGABAD AND ANR
...
Advocate for Applicants : Shri Sandanshiv M.B.
Advocate for respondent no.1: Shri S. G. Chapalgaonkar
.....

CORAM: V.L. ACHLIYA, J.

DATE: 31.07.2018

PER COURT :

1] The applicants have moved this application for permitting them to withdraw an amount of Rs.55,70,272/- deposited by the appellant – Insurance Company towards satisfaction of the award passed by the Tribunal.

2] Learned counsel for the applicants submits that the deceased was the sole earning member in the family consisting of his wife, minor child and aged father and mother. Due to untimely death of the deceased, the applicants are deprived of source of income and suffering great hardship. Learned counsel for the appellant –

Insurance Company submits that the appellant has a good case to succeed in the appeal and in the event the appeal is allowed, it will be difficult to recover the amount from the applicants.

3] Considering the submissions advanced, I am of the view that passing of following order would meet the ends of justice :-

<u>O R D E R</u>

a] The applicants are permitted to withdraw the amount of Rs.15,00,000/-. Out of Rs.15,00,000/-, amount of Rs.10,00,000/- be paid to the applicant no.1 and the applicant nos.3 and 4 be paid amount of Rs.2,50,000/- each, by transferring the amount in their respective savings bank accounts on furnishing usual undertakings that in the event the award is modified and they are required to re-deposit the amount, they shall deposit the aforesaid amount within twelve weeks from the date of such order.

b] After paying the amount of Rs.15,00,000/- to applicant nos.1, 3 & 4 as above, the balance amount be invested in a fixed deposit for a period of eighteen months with State Bank of India, High Court Branch, Aurangabad, subject to renewal till the amount is directed to be paid or till the disposal of the appeal, whichever is earlier.

c] Interest accrued over the amount invested in fixed deposit be paid to the applicant no.1 after every three months by transferring the amount of interest in her savings bank account for the maintenance of herself, her minor child – applicant no.2 and the applicant nos.3 and 4.

d] The application is disposed of in the aforesaid terms.

(V.L. ACHLIYA, J.)