

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

CIVIL APPLICATION NO. 6195 OF 2018 IN FA/4209/2016

RAJANI VINOD WASE AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR BRANCH
MANAGER, AURANGABAD AND ANR

...
Advocate for Applicants : Mr. Kunal A. Kale.
Advocate for Respondent No.1 : Mr. M.A.Deshmukh h/f.Mr.S.C.Chapalgaonkar.
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CORAM : K.K. SONAWANE, J.

DATED : 15th JUNE, 2018.

Order :-

Heard learned counsel for applicants-original claimants and learned counsel for respondent-Insurance Company. No one else turned up on behalf of respondent No.2 – owner of the offending vehicle. Perused the application and relevant documents.

2. The appellant– Insurance Company deposited in all amount of Rs. 48,80,848/- (Rs. Forty Eight Lakhs Eighty Thousands Eight Hundred Forty Eight Only) towards the compensation granted by the learned Tribunal. Applicant No. 1 being widow, applicants No.2 and 3 are children and applicant No. 4 is mother of the deceased Vinod Sudamrao Wase filed the present application seeking permission to withdraw the decretal amount deposited in this Court.

3. In view of nature of the subject matter and the grounds of appeal propounded on behalf of appellant- Insurance Company, there is no impediment to allow applicants-claimants to withdraw the total lump-sum amount of Rs.15,00,000/- (Rs. Fifteen Lakhs Only) in this case in addition to the amount of Rs.24,00,000/- (Rs. Twenty Lakh Only) directed to be invested in Fixed Deposit Receipts account in the name of minor applicants-claimants as well as applicants-claimants No. 3 and 4 as per impugned Award of learned Tribunal. Hence, application deserves to be allowed.

4. Therefore, application stands partly allowed. The applicants-claimants No.1 and 4 are permitted to withdraw the total lump sum of Rs.15,00,000/- (Rs. Fifteen Lakhs Only) from the amount deposited towards compensation in this Court subject to condition that the applicants-claimants shall furnish undertaking to the effect that they would refund the amount so withdrawn, in case any adverse situation arises in the appeal. The applicants No.2 and 3 are minors, therefore, the applicant No.1 Rajni Vinod Wase is hereby authorized to withdraw the compensation amount on behalf of applicants No. 2 and 3 being natural guardian as mother.

5. It is stipulated that as per directions issued by the learned Tribunal in the impugned Award, the amount of Rs. 7,00,000/- (Rs. Seven Lakhs) each be deposited in the in the name of minor applicant No. 2 Prasen Vinod Wase and applicant No.3 Tanuj Vinod Wase in Fixed Deposit Receipts Account in any Nationalized Bank till both attain the age of majority. More over, from rest of the balance amount, the amount of Rs.5,00,000/- (Rs. Five Lakhs Only) each be deposited in the name of applicant No.1 Rajani Vinod Wase and applicant No.4 Shantabai Sudam Wase in Fixed Deposit Receipts Account in any Nationalized Bank for a period of five years. All these amount i.e. total sum of Rs.24,00,000/- (Rs. Twenty Lakh Only) is required to be invested in the name of respective claimants for compliance of the directions issued by the learned Tribunal under impugned Award.

6. However, the rest of the balance amount remained in this court be invested in the Fixed Deposit Receipts account in any Nationalized Bank for a period of two years or till decision of the appeal, whichever is earlier with liberty to renew the same, if required. The Registry to do the needful for disbursement of the amount as mentioned above.

7. The civil application stands disposed of in above terms. No order as to costs.

[K. K. SONAWANE]
JUDGE

rrd.