

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

938 CIVIL APPLICATION NO. 14306 OF 2018
IN FAST/3105/2018

KANHU PATILBA GAWALI AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS
BRANCH MANAGER AURANGABAD
KANHU PATILBA GAWALI AND ORS

...

Advocate for Applicant : Mr. D.G.Nagode
Advocate for Respondent no.1 : Mr.Chapalgaonkar S.G.

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CORAM : SUNIL K. KOTWAL, J.

DATE : NOVEMBER 29, 2018

O R D E R :

Heard learned counsel for the applicant and
learned counsel for insurance company.

2. Perused the award.

3. After going through the judgment and award, it
emerges that under the head of non-pecuniary damages,
the Tribunal has awarded exorbitant compensation of
Rs.7,25,000/-. Under this head, maximum compensation
can be awarded to the extent of Rs.70000/- as per the
verdict of Larger Bench of Apex Court in the case of
"National Insurance Company Ltd. Vs Pranay Sethi and

others[2018 (3) Mh.L.J. 70].

4. Considering the above, permission is granted to applicant nos. 1 to 3 to withdraw only Rs.2,00,000/- from the deposited compensation amount. Out of this amount of Rs.2,00,000/-, Rs. 1,50,000/- be paid to applicant no.3 Manisha Pramod Gawali and Rs. 25,000/- each be paid to applicant no.1 Kanhu Patilba Gawali and applicant no.2 Saraswati Kanhu Gawali by separate account payee cheques.

5. Rest of the compensation amount shall be invested in fixed deposit till final hearing of the appeal.

6. The above said amount of Rs.2,00,000/-, which is permitted to be withdrawn, be transmitted to the Motor Accident Claims Tribunal, Ahmednagar for disbursement of the amount.

7. Civil Application is disposed of.

8. Registrar (Judicial) to act accordingly.

[SUNIL K. KOTWAL, J.]

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