

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

**946 CIVIL APPLICATION NO.11840 OF 2018
IN FA/396/2018**

VINAY AMBADAS WAHUL

..Applicant

VERSUS

THE NATIONAL INSURANCE CO. LTD.,
AND ORS

..Respondents

...

Shri G.R. Syed, Advocate for Applicant;
Shri S.S. Chapalgaonkar, Advocate h/f. Shri S.P. Chapalgaonkar,
Advocate for Respondent No.1.

...

CORAM : PR. BORA, J.

Dated: September 25, 2018

PER COURT :

1. Heard Shri Syed the learned Counsel appearing for the applicant and Shri Chapalgaonkar the learned Counsel appearing for the respondent No.1 – Insurance Company.
2. Vide order passed on 06.04.2018, the applicant was permitted to withdraw 25% of the deposited amount on submitting an undertaking and further 25% amount on furnishing solvent surety in the like amount. The present application is filed by the applicant seeking relaxation in the said condition imposed by this Court.
3. The application is opposed by the learned Counsel

appearing for the respondent No.1 - Insurance Company. The learned Counsel submitted that, the compensation awarded by the Tribunal is apparently on much higher side and without the settled legal principle. The learned Counsel further submitted that, the applicant was not at all the dependent on the income of the deceased and as such, the compensation as has been awarded holding the applicant to be fully dependent upon the said income cannot be sustained.

4. It appears that, while passing the order on 06.04.2018, the present aspect was certainly considered by the Court and that was the reason that, the amount of 25% was permitted to be withdrawn on an undertaking and for further 25% amount, the condition for submitting solvent surety was imposed. I do not see any reason for granting any relaxation in the said order. Hence, the following order.

ORDER

(i) The Civil Application stands rejected.

(PR. BORA, J.)