

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

CIVIL APPLICATION NO. 14867 OF 2018

IN

FIRST APPEAL NO. 2147 OF 2018

Pushpa Dilip Javale & others.

Applicants.

Versus

New India Assurance Co. Ltd. & anr.

Respondents.

Mr. V.B. Madan Patil, Advocate for the applicants.

Mr. M.M. Ambhore, Advocate for respondent No.1.

CORAM : SUNIL K. KOTWAL,J.

Dated : 11th December 2018.

ORDER :-

. This Civil Application is for withdrawal of compensation amount deposited in this Court by the Insurance Company. The applicants are dependents of deceased Deelip Javale.

2. The reason for withdrawal of amount is repayment of loans borrowed at the eve of the marriage of applicant No.3 Pallavi d/o Deelip Javale. In support of their contention, the applicants have also filed copy of marriage invitation card of the

said marriage.

3. Learned Counsel for Insurance Company vehemently opposes the Application on the ground that already the applicants have withdrawn amount of Rs.12,00,000/- and somewhat exorbitant compensation is awarded by the Tribunal.

4. I have carefully gone through the award passed by Tribunal, which shows grant of exorbitant compensation under non-pecuniary head. However, even excluding that amount, sufficient amount is deposited in this Court by the Insurance Company, which can be refunded to the claimants.

5. Out of Rs. 54,19,814/-, already an amount of Rs.12,00,000/- is withdrawn by the applicants. Considering this, I feel it proper to allow applicant Nos.1 to 3 and 5 to withdraw an amount of Rs. 15,00,000/- (Rupees Fifteen Lakh only), subject to filing of written undertaking by them, within eight weeks, to deposit the withdrawn amount as and when directed by this Court. Applicant No.4 is shown as dead and his name is deleted from the record.

6. The amount to be withdrawn be transmitted to the Motor Accident Claims Tribunal, Jalgaon for its payment to the

applicants in accordance with order passed by this Court. The account payee cheque be issued in the name of applicant No.1 Pushpa w/o Deelip Javale, subject to filing of proper authority from applicant Nos.2, 3 and 5 before the Tribunal. The undertaking also shall be filed before the Tribunal. The Tribunal shall accept the written undertaking filed by applicants and shall re-transmit it to this Court in First Appeal No.2147 of 2018.

7. Civil Application is disposed of accordingly.

(SUNIL K. KOTWAL)
JUDGE

vdd/