

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1408 OF 2018
IN
FIRST APPEAL STAMP NO. 24215 OF 2017

Rajabai w/o Balaji Nalawade and others ...Applicants

Versus

The New India Assurance Co. Ltd.
Through its Branch Manager,
Latur & another

...Respondents

...

Mr. Shinde Ram S., Advocate for applicants.
Mr. M. M. Ambhore, Advocate for respondent no. 1.

...

[CORAM: SUNIL P. DESHMUKH, J.]
Date: 16th March, 2018

ORDER :

1. Heard learned counsel for the parties.
2. Learned counsel for applicants states that deceased Balaji was husband of applicant no. 1, and father of applicants no. 2 to 4. He died in accident which had taken place on 22nd January, 2014. Indisputably, he was

employee of Maharashtra State Road Transport Corporation (MSRTC). He states that at the time of accident, deceased Balaji was receiving monthly salary of Rs. 13,217/- and was aged about 39 years. Tribunal had partly allowed the claim petition and granted an amount of compensation of Rs.28,55,000/- (Rs. Twenty eight lakh fifty five thousand only) inclusive of N.F.L. Amount of Rs. 50,000/- along with interest at the rate of 7.5% p.a. from the date of petition.

3. The Insurer of vehicle-respondent before this court, disputes the accident and questions the involvement of offending vehicle in the accident and, thus, purports to disclaim the liability, yet, tribunal has held liable to insurer to bear the amount of compensation. However, the insurer takes exception to the award passed by the tribunal.

4. Having regard to that deceased Balaji was the sole bread-earner of the family, it would be expedient to allow the applicants/claimants to withdraw a sum of Rs. 20,00,000/- (Rs. Twenty lakh only) lying in fixed deposit, on furnishing undertaking to the satisfaction of Registrar

(Judicial) of this court to the effect that in the event, decision in the appeal being adverse to the interest of the applicants/claimants the amount being withdrawn by them would be paid back / deposited in this court within a period of three months from the date of decision in the appeal. It is further expected that a sum of Rs. 5,00,000/- (Rs. Five lakh) from the amount being withdrawn would be invested by the applicants/claimants in any nationalized bank in the name of minor i.e. applicant no. 4, and a copy of fixed deposit receipt be furnished in this court.

5. Amount being withdrawn, shall be apportioned in the same proportion as appearing under the award passed by the tribunal.

6. Civil application is allowed in aforesaid terms and is disposed of.

[SUNIL P. DESHMUKH, J.]