

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**BENCH AT AURANGABAD****921. CIVIL APPLICATION NO.4638 OF 2019****IN FA/2647/2017**

Suresh Sukhdeo More and another

...Applicants

Versus

The Branch Manager,

Shriram General Insurance Co., Jaipur and another ...Respondents

Mr. K.N. Shermale, Advocate for applicants

Mr. S.G. Chapalgaonkar, Advocate for respondent No.1.

CORAM : V.L. ACHLIYA, J.

DATE : 4th April, 2019

PER COURT :

1. The applicants/appellants have moved this application for withdrawal of the amount deposited by respondent No.1/insurance company in terms of the award dated 27th March 2017 passed in M.A.C.P. No. 81/2011 by the Member, Motor Accident Claims Tribunal, Sangamner District Ahmednagar.

2. The learned Counsel for the applicants/appellants submits that the appeal was finally heard and decided vide judgment and order dated 19th September 2018 passed in First Appeal No. 2647/2017 with First Appeal No. 2648 of 2017 (Coram : Mr. S.K. Kotwal, J.). It is submitted that the Tribunal had exonerated the insurance company. In appeal, the Appellate Court has made the insurance company liable to pay the compensation

alongwith the insured. He submits that the award passed by the Tribunal granting compensation to the extent of Rs. 2,25,000/- has been enhanced in appeal to Rs. 3,30,000/- with interest at the rate of 9% per annum from the date of filing of the petition till realization and approved the order of apportionment and investment of the amount as directed by the Tribunal. The learned Counsel further submits that in terms of the modified award, the respondent/ insurance company has deposited the amount together with interest.

3. The learned Counsel appearing on behalf of the respondent/insurance company submits that in view of disposal of the appeal, the respondent/insurance company has no objection to allow the applicants to withdraw the amount.

4. In view of disposal of appeal, the applicants are permitted to withdraw the amount. The amount be paid to applicants as per order of apportionment and investment passed by the Claims Tribunal.

5. The application is disposed of in above terms.

(V.L. ACHLIYA)
JUDGE