

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

CIVIL APPLICATION NO. 6699 OF 2019
IN
FIRST APPEAL NO. 308 OF 2019

Surekha w/o Suresh Wadwalkar and others .. Applicants

versus

Bajaj Allianz General Insurance Co. Ltd.
and ors

.. Respondents

Mr Mrigesh D. Narwadkar, Advocate for applicants
Mr S.G. Chapalgaonkar, Advocate for respondents no.1 and 2

CORAM : SUNIL P. DESHMUKH AND
S. M. GAVHANE, JJ.

DATE : 5th July, 2019

ORDER :

1. The motor accident claims tribunal under its order dated 03-11-2018 passed in claim petition bearing no. 65 of 2012 has granted compensation of ₹ 2,92,56,600/- (rupees two crore ninety two lakh fifty six thousand six hundred only) in favour of petitioners – applicants in present civil

application. This court under order dated 30-01-2019 had directed the appellant – insurance company to deposit fifty per cent of the amount awarded by the tribunal. Pursuant to said order, insurance company appears to have deposited a sum of ₹ 2,14,52,370/- (rupees two crore fourteen lakh fifty two thousand three hundred seventy only) in this court through demand draft dated 22-02-2018.

2. Heard learned counsel for the parties.

3. Applicants, who are stated to be dependents of deceased, have referred to in the application that the family is in financial crises and the amount of compensation is required by them for various purposes, as applicants No.2 to 4 are pursuing their studies and the amount is required for their education and also the amount is required for their maintenance and liabilities.

4. The applicants, however, resile to a situation that the withdrawal of an amount of ₹ 20,00,000/- (Rupees Twenty lakh only) for the present would suffice.

5. Learned counsel for respondents has some

reservations, since applicants' stated need of the amount is to take care of certain expenses, *inter alia*, payment of court fee etc. and extent of withdrawal may not be proper.

6. In the circumstances, we deem it appropriate to allow applicants to withdraw a sum of ₹ 20,00,000/- (Rupees twenty lakh only) subject to filing of an undertaking to the effect that in case of adverse order in appeal against interest of the applicants, they would redeposit said amount in this court within a period of two months from the date of such decision.

7. With aforesaid, civil application is disposed of.

8. Appellants to take steps for service on respondent no. 6.

S. M. GAVHANE,
JUDGE

SUNIL P. DESHMUKH
JUDGE

pnd/-