

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

CIVIL APPLICATION NO. 6967 OF 2019  
IN  
FIRST APPEAL NO. 1412 OF 2019

Manohar Jadamal Wadhva and another .. Applicants

versus

Bajaj Allianz General Insurance Company  
and others .. Respondents

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Ms Laxmi R. Thakur Advocate for applicants  
Mr S. G. Chapalgaonkar, Advocate for respondents no. 1 and 2  
Mr Niteen Jagdale, Advocate, holding for Mr V. D. Salunke,  
Advocate for respondent no. 3

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

DATE : 5<sup>th</sup> July, 2019

ORDER :

1. Heard learned advocates for appearing parties.
2. Applicants, who are stated to be dependents of the deceased, have referred to in the application that the amount of compensation is required by them for medical treatment of applicant No.2, who is stated to have been suffering various old age related ailments and for their survival and

maintenance.

3. Learned advocate for applicants refers to the needs of the family of applicants and earnestly requests for permission for withdrawal of entire amount deposited in this court by the appellant – insurance company.

4. Learned advocate, on instructions, submits that the appellant insurance company is not averse to withdrawal of a reasonable amount, however, request for withdrawal of the entire amount is difficult to be acceded to.

5. Learned advocate for applicants – claimants adverts to the reasons given in the judgment and order of the Motor Accident Claims Tribunal and submits that sound and substantial evidence had been led in respect of income earned by the deceased. It has also been referred to that the claimants were dependents on the income earned by the deceased.

6. Having regard to aforesaid submissions, we deem it appropriate to let the applicants withdraw an aggregate sum of Rs.50,00,000/- (Rupees fifty lakh only) from the amount deposited in this court by insurance company, upon undertaking that in case decision in the first appeal is adverse

to the interest of the applicants, the amount withdrawn by them would be redeposited in this court as would be required within a period of six months from the date of decision in the appeal. The amount withdrawn shall be apportioned equally among the two applicants.

7. Rest of the amount be invested in a fixed deposit of a nationalized bank. From such deposit, interest earned on Rupees 25,00,000/- (Rupees twenty five lakh only) may be withdrawn by the applicant during pendency of the first appeal.

8. It would be appropriate that from total balance amount, a sum of rupees 25,00,000/- (rupees twenty five lakh only) is separately invested in order to enable the applicants to withdraw interest on the same.

9. Civil application accordingly is allowed partially as aforesaid and is disposed of.

S. M. GAVHANE,  
JUDGE

SUNIL P. DESHMUKH  
JUDGE

pnd/-