

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

107 CIVIL APPLICATION NO.9231 OF 2019
IN FA/2798/2018

USHADEVI ARJUNKUMAR SAROJ AND ORS
VERSUS
NEW INDIA INSURANCE CO. LTD., THR ITS DIVISIONAL MANAGER
AURANGABAD AND ANR

...
Advocate for Applicants : Ms. Madhaveswari D. Thube Mhase
Advocate for Respondent No.1 : Mr. S. G. Chapalgaonkar
...

CORAM : MANGESH S. PATIL, J.

DATE : 08.11.2019

PER COURT :-

Heard both the sides.

2. By way of this civil application the original claimants are seeking withdrawal of amount of compensation, which has been deposited by the appellant-Insurance Company, which is around Rs.43,00,000/- and odd.

3. Learned advocate for the respondent-Insurance Company submits that there is a serious dispute as regards the quantum. There was no evidence substantiating the conclusions drawn by the Tribunal regarding income of the deceased and therefore, the

amount be not paid to the claimants at this juncture.

4. Without indulging into any scanning touching merits of the quantum since it is a matter of compensation, the claimants, excluding the minors, can be allowed to withdraw some amount since it would take some time for the final appeal to be decided.

5. Considering all the above conspectus, applicant Nos.1 and 5 are allowed to withdraw an amount of Rs.5,00,000/- (Rs. Five lakhs) and Rs.3,00,000/- (Rs. Three lakhs) respectively on furnishing usual undertaking before the Registrar (Judicial).

6. Civil application is accordingly dispose of.

(MANGESH S. PATIL, J.)

vsm/-