

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

**988 CIVIL APPLICATION NO.7847 OF 2019
IN FA/3205/2015**

**USHA ANIL BADGUJAR AND OTHERS
VERSUS
NATIONAL INSURANCE CO. LTD., THR BRANCH MANAGER AND ANR**

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Advocate for Applicants : Mr. Vishnu B. Madan
Advocate for Respondent No.1 : Mr. V. N. Upadhye

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 12th JULY 2019

ORDER :

. This is the second application for withdrawal of the amount. It appears that by order dated 15.02.2016, applicant No.1 was allowed to withdraw entire amount as per the award. By this application, applicant Nos. 2 and 3 are praying that since they have become major they be allowed to withdraw the Fixed Deposits as per the disbursement of the award by the tribunal. It is to be noted that the learned tribunal had granted compensation of Rs.15,62,500/-. Out of the said, applicant No.1 was held to be entitled for 30%, applicant Nos. 2 and 3 entitled for 25% each and applicant nos. 4 and 5 were held to be entitled for 10% each. In view of the order passed on 15.02.2016, the widow has been allowed to withdraw her 30% of the amount of the

award. So also, it appears that since applicant No.4 has expired, the amount of his share was allowed to be withdrawn by respondent No.5 in addition to her own 10%. Under such circumstance, now what remain is only 25% of the amount of the entire compensation, which was directed to be deposited in Fixed Deposits. Taking into consideration the fact that the applicant Nos.2 and 3 were minors at that time, not only interest of the applicants is required to be considered in such matters, yet the interest of the original respondent who is present appellant is also required to be considered. Taking into the fact that the appeal has been filed by the Insurance Company challenging the quantum and therefore, if the entire amount is allowed to be withdrawn by the applicants, then practically nothing remains in the appeal. Under such circumstance, though the applicant No.2 is now attended majority, yet no case is made out to allow them to withdraw the amount which is now in Fixed Deposits, rather directions are given that the said Fixed Deposits of applicant No.2 be extended for further three years.

2. Civil Application stands rejected.

(Smt. Vibha Kankanwadi, J.)

Shubham/