

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

106 CIVIL APPLICATION NO.9138 OF 2019
IN FA/35/2019

SAVITA WD/O RADHAKRUSHNA UGALE AND ORS
VERSUS
ICICI GENERAL INSURANCE CO. LTD. AND ORS

...
Advocate for Applicants : Mr. R. K. Temkar
Advocate for Respondent No.1 : Mr. R. H. Dahat
Advocate for Respondent No.3 : Mr. S. R. Bodade

...

CORAM : MANGESH S. PATIL, J.

DATE : 08.11.2019

PER COURT :-

One of the Insurance Companies of two vehicles had preferred the appeal, which has been dismissed by the judgment and order dated 05.04.2019. By way of this application, original claimants are now seeking to withdraw the amount deposited by the appellant-Insurance Company in this Court. However, it is also pointed out that during pendency of the appeal, respondent No.4, who was the father of the deceased, has died. He was directed to be paid Rs.50,000/- by the Tribunal and some direction for payment of that amount now to rest of the claimants needs to be passed.

2. Considering the fact that respondent No.4 was the father of

the deceased, who was found entitled to get an amount of Rs.50,000/- out of the total amount of compensation assessed by the Tribunal. In my considered view, respondent No.5, who is his widow, deserves to be paid that amount.

3. The claimants deserve to be allowed to withdraw the amount in tune with the direction by the Tribunal.

4. Civil application is accordingly allowed and disposed of in above terms.

(MANGESH S. PATIL, J.)

vsm/-