

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

102 CIVIL APPLICATION NO.12282 OF 2018
IN FA/3122/2018

NANDA RAJESH DHONDE AND OTHERS
VERSUS
THE DIV. MANAGER SHRIRAM GENERAL INSURANCE CO. LTD., AND
ANOTHER

...
Advocate for Applicants : Ms. Madhaveswari D. Thube-Mhase
Advocate for Respondent No.2 : Mr. S. G. Chapalgaonkar
...

CORAM : MANGESH S. PATIL, J.

DATE : 08.11.2019

PER COURT :-

The applicants are the legal representatives of the deceased, are claiming withdrawal of the amount of compensation deposited by the respondent before the Commissioner.

2. Learned advocate for the applicants submits that they may be allowed to withdraw the amount deposited by the respondent-Insurance Company.

3. Learned advocate for the respondent-Insurance Company points out that in fact the deceased though was injured during the course of the employment has committed suicide

subsequently and it is after his demise that the claim for compensation has been lodged. Therefore, at the most the applicants would be entitled to withdraw only the medical expenses, which has been quantified at Rs.4,47,925/- by the Commissioner.

4. Considering the peculiar state of affairs mentioned herein above when the claim has been lodged after demise of the deceased by his legal representatives in respect of an accident occurred while he was in the employment, it would be just and proper to allow the applicants to withdraw only amount of Rs.5,00,000/- (Rs. Five lakh).

5. The applicants are allowed to withdraw the amount of Rs.5,00,000/- (Rs. Five lakh) deposited by the Insurance Company in the Office of the Commissioner. The application is accordingly allowed and disposed of.

(MANGESH S. PATIL, J.)

vsm/-