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

**1053 CIVIL APPLICATION NO.10192 OF 2019**
**IN FAST/13706/2019**

GITANJALI CHAKRADHAR BHOSAE AND ORS
VERSUS
THE NATIONAL INSURANCE CO.LTD., THR HIS MANAGER, AURANGABAD AND ANR

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Advocate for Applicants : Mr. Chapalgaonkar S.G.
Advocate for Respondent No.1 : Mr.Ajit B. Kadethankar
Advocate for Respondent No.2 : Mr. P. N. Nagargoje

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**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 30th AUGUST, 2019**

**ORDER :**

. Present application has been filed for withdrawal of the amount. Amount of Rs.1,01,42,159/- has been deposited by the insurance company. Learned Advocate appearing for the insurance company submits that the appeal has been filed challenging the quantum that has been awarded.

2. Taking into consideration the fact that competent Court has come to the conclusion and calculated the amount of compensation, definitely, case is made out for partial withdrawal of the amount.

Apportionment has been made by the learned tribunal. The applicant No.2 is a minor and therefore it is not in his interest to allow the amount given to his share to be withdrawn by the guardian. However, in the judgment itself, the learned tribunal has allowed the claimant No.1/applicant No.1 to withdraw monthly interest for the welfare and maintenance of claimant No.2 and therefore, the said order may also be continued till the disposal of the appeal. However, as regards applicant No.1 is concerned, it appears that the entire amount given to her share i.e. Rs.29,05,803/- has been allowed to be withdrawn and no stipulation is made for any amount to be deposited for her future. Under such circumstance, she would be allowed to withdraw amount of Rs.15,00,000/- and rest of the amount which has been given to her along with accrued interest to be invested in Fixed Deposit of any Nationalized Bank in her name for a period of 5 years and the said amount be subject to outcome of the appeal in respect of further investment.

3. As regards, applicant Nos.3 and 4 are concerned, it appears that amount of Rs.29,05,802/- has been given equally to them and that has been directed to be invested in Fixed Deposit for remainder of their life. This appears to be a harsh term and therefore, that needs change. Even, at

this stage, in order to give some amount for their survival, no doubt the tribunal had allowed them to withdraw the monthly interest, yet some amount deserves to be given to them by way of account payee cheque and some of the same deserves to be invested for their future. Hence, applicant Nos.3 and 4 are allowed to withdraw amount of Rs.5,00,000/- each and rest of the amount be invested initially for a period of 5 years and subject to outcome of the appeal for further period.

4. It is clarified that applicant No.1 and applicant Nos.3 and 4 are then not allowed to withdraw the monthly interest that would be accrued on their fixed deposits. All the abovesaid withdrawals are made subject to filing an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

5. Civil Application stands disposed of accordingly.

**(SMT. VIBHA KANKANWADI, J.)**

SCM