

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.611 OF 2019
IN
FIRST APPEAL (STAMP) NO.29231 OF 2018
(Sakharbai Laxman Kusalkar and others Vs. The New
India Assurance Co. Ltd., through its Manager and
another)

Mr. Amol S. Gandhi, Advocate for the applicants
Mr. S.R. Bodade, Advocate for respondent No.1

CORAM : SUNIL K. KOTWAL, J.

DATE : 5nd APRIL, 2019

ORDER :

Heard learned counsel for the applicants and
learned counsel for respondent No.1 – insurer.

2. I have gone through the impugned award.
Though learned counsel for the insurer argued on
certain infirmities in the judgment passed by the
Tribunal, at this premature stage, I refrain from
expressing my opinion on merits. However, considering
nature of the application and the judgment and award,
it is desirable to allow the applicants to withdraw
75% of the compensation amount with proportionate
accrued interest thereon, deposited by the Insurance

Company in the Court, subject to condition that applicants shall file written undertaking to refund the withdrawn amount as and when directed by this Court within a period of eight weeks from the date of passing of this order. Out of the withdrawn amount, 10% each shall be paid to applicant Nos.2 and 3 and 80% shall be paid to applicant No.1, by separate account payee cheques in their respective names. The balance 25% amount be invested in fixed deposit in any nationalized bank till final disposal of the First Appeal. The Civil Application is accordingly allowed and disposed of.

[SUNIL K. KOTWAL]
JUDGE

npj/ca611-2019