

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

CIVIL APPLICATION NO. 226 OF 2019

IN

FIRST APPEAL (ST.) NO. 21914 OF 2018

Navnath Ashok Mane.

Applicant.

Versus

Branch Manager, S.B.I. General
Insurance Co. Ltd and others.

Respondents.

Mr. V.S. Undre, Advocate for the applicant.

Mr. S.S. Patil, Advocate for respondent No.1.

Mr. S.S. Shinde, Advocate for respondent No.3.

Mr. Jeevan Patil, Advocate holding for

Mr. A.G. Kanade, Advocate for respondent No.4.

CORAM : SUNIL K. KOTWAL, J.

Dated : 18 March 2019.

ORDER :-

. Heard learned Counsel for the applicant / claimant
and learned Counsel for the Insurance Company. Learned
Counsel for the Insurance Company submits that the applicant
being the brother of deceased, cannot be considered as dependent.
His next submission is that the learned Tribunal awarded

exorbitant compensation considering the loss of future prospects of the deceased, who was simply a Cleaner.

2. At this premature stage I do not wish to express anything on the merits of the case. However, considering the award passed by Tribunal, I feel it desirable to allow the applicant to withdraw 50% of the compensation amount deposited in the Court with proportionate interest therein, subject to filing of written undertaking in the appeal to re-deposit the withdrawn amount as and when directed by this Court. The undertaking is to be filed within four weeks from the date of passing of this order. The remaining amount shall be invested in fixed deposit in any Nationalized Bank till final disposal of the appeal.

3. Civil Application is disposed of.

(SUNIL K. KOTWAL)
JUDGE

vdd/