

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 277 OF 2019
IN
FIRST APPEAL NO. 78 OF 2019**

Smt.Ujwala Kailas Rasal & Ors.	...	Applicants
<u>In the matter between :-</u>		
Liberty Videocon General Insurance Co. Ltd.	...	Appellant
V/s.		
Smt.Ujwala Kailas Rasal & Ors.	...	Respondents

- Mr.Devendranath S. Joshi for the Appellant.
- Mr.Vaibhav R. Gaikwad for the Applicants/Org. Respondent Nos.1 to 3.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 30th JANUARY, 2019.

P.C. :

1] This is an application filed by the Applicants-Claimants for withdrawal of the entire amount of compensation deposited in the Court.

2] Learned counsel for the Appellant opposes the same on the ground that the Appeal is preferred on the point of quantum of compensation as the income of the deceased was considered to be on higher side and further even as regards the conventional heads, if the judgment of the Hon'ble Apex Court in the case of *National Insurance*

Co. Ltd. Vs. Pranay Sethi, [JT 2017 (10) SC 450], is held applicable, then that amount is also required to be reduced.

3] In view thereof, the Applicants-Claimants are permitted to withdraw only 40% of the amount of compensation deposited in the Court, subject to furnishing of usual undertaking.

4] The Civil Application is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]