

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

CIVIL APPLICATION NO. 4590 OF 2020
IN FIRST APPEAL NO. 1569 OF 2012

1. Sunita w/o. Bhagwat Sonwane.
2. Namrata d/o. Bhagwat Sonwane.
3. Nikita d/o. Bhagwat Sonwane .. **APPLICANTS**

VERSUS

1. ICICI Lombard General Insurance Co.Ltd.
2. Ravi s/o. Sarjerao Waghchaware.
3. Bhagwan s/o. Devidas Chopade.

.. **RESPONDENTS**

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Mr.S.S.Rathi, Advocate for the applicants.
Mr.R.H.Dahat, Advocate for the respondent
no.1.
Mr.S.W.Munde, Advocate for the respondent
no.7.

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CORAM : V.L.ACHLIYA,J.

DATE : 31.07.2020

P.C.

1] Heard learned counsel for the applicants-claimants and learned counsel representing the appellant-Insurance Company.

2] The applicants-claimants [original respondents] have moved this application seeking permission to withdraw the amount of Rs.6,06,429/- deposited by the appellant-Insurance Company in First Appeal No.1569 of 2012.

3] In brief, it is the contention of the learned counsel for the applicants-claimants that in view of withdrawal of appeal by the appellant-Insurance Company vide order dated 30.06.2020, the amount deposited by the appellant-Insurance Company together with interest deserves to be paid to the applicants-claimants towards satisfaction of the award passed by the Claim Tribunal.

4] Mr.Rathi, learned counsel for the applicants-claimants submits that during pendency of the appeal, the original claimant nos.4 and 5 have expired. Claimant nos.2 and 3 i.e. daughters of the deceased also became major and they are married. The Insurance Company has deposited Rs.8,06,429/-. Out of the aforesaid amount, vide order dated 12.10.2012 passed in Civil Application No.11063 of 2012, the applicants were permitted to withdraw Rs.2,00,000/-. Rest of the amount ordered to be kept in Fixed Deposit. In view of withdrawal of appeal, the applicants are entitled to withdraw the amount invested together with interest accrued thereon.

5] Learned counsel for the appellant-Insurance company submits that in view of withdrawal of appeal, the appellant-Insurance Company has no objection to allow the applicants to withdraw amount towards satisfaction of the award passed by the Claim Tribunal in MACP No.138/2009.

6] In view of disposal of appeal, the application moved by the applicants-claimants is allowed in terms of prayer clause-b. The amount deposited and lying invested in Fixed Deposit together with interest be paid to the applicants-claimants. Out of amount available for disbursement, the amount to the extent of 50% be paid to the applicant no.1 i.e. widow of the deceased-victim and balance amount to the extent of 50% be paid to the applicant nos.2 and 3 in equal proportion. The payment made towards satisfaction of award be notified to Claims Tribunal to record satisfaction of award.

7] The application is disposed of in above terms.

[V.L.ACHLIYA]
JUDGE