

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

**912 CIVIL APPLICATION NO.7019 OF 2020
IN
FA/119/2020**

**MEERA NANDKUMAR AVHALE AND ORS
VERSUS
RELIANCE GENERAL INSURANCE CO. THR ITS
MANAGER**

.....
Mr. R.R.Imale, Advocate for Applicants.
Mr. S.S.Patil, Advocate for Respondent.

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CORAM : V.L.ACHLIYA, J.
DATE : 16/12/2020

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ORAL ORDER :

1. The applicants have moved this application for withdrawal of amount.

2. Heard learned counsel for applicants/claimants and the counsel representing the appellant/Insurance Company.

3. As per the Order dated 14/03/2019 passed by the Tribunal, the Tribunal has awarded compensation of Rs. 37,39,930/- with interest @ 9% per annum and further passed the order of apportionment of amount of compensation awarded amongst the respondent Nos. 1 to 3 as under.

Claimant No. 1	:	Rs. 33,39,930/-
Claimant No. 2	:	Rs. 02,00,000/-

Claimant No. 2 : Rs. 02,00,000/-.

4. Pursuant to conditional order granting stay, the appellant/Insurance Company has deposited the amount in terms of Award. Learned counsel for appellant submits that the amount of Rs. 43,50,000/- has been deposited.

5. The challenge raised in Appeal primarily confines to quantum of compensation and contributory negligence on the part of deceased.

6. Considering the challenge raised, the following order is passed.

ORDER

[i] The applicant No. 1 is permitted to withdraw the amount to the extent of Rs. 8,00,000/- [Rupees Eight Lakh] and the applicant Nos. 2 and 3 are permitted to withdraw Rs. 2,00,000/- [Rupees Two Lakh] each out of the amount deposited by the appellant/Insurance company. The balance amount be invested in fixed deposit till disposal of Appeal with any Nationalized bank.

[ii] The interest accrued over the amount invested in fixed deposit be paid to applicant No. 1 after regular interval of three months till disposal of Appeal by transferring the amount to her savings bank account for maintenance of her as well as maintenance of applicant Nos. 2 and 3.

[iii] The amount in above terms be paid to applicant Nos. 1 to 3 on their furnishing undertaking to the effect that in the event the Award is set aside or modified, the applicants shall re-deposit the amount within eight weeks from the date of passing of such order.

[iv] The payment of amount shall be subject to outcome of Appeal.

[V.L.ACHLIYA]
JUDGE

KNP