IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

916 CIVIL APPLICATION NO.1740 OF 2020
IN FA/2738/2019

SUMAN RAMESH JADHAV AND ANOTHER
VERSUS
THE ORIENTAL INSURANCE CO. LTD., THROUGH ITS DIVISIONAL MANAGER, AURANGABAD AND ANOTHER

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Advocate for Applicants : Shri Sonwane Mahesh R.
Advocate for Respondent no.1 : Shri M.K. Goyanka

CORAM: V.L. ACHLIYA, J.

DATE: 12.02.2020

PER COURT :

1] The applicants – claimants have moved this application seeking withdrawal of amount of Rs.13,03,299/- deposited by the insurance company.

2] Heard learned counsel for the applicants – claimants and respondent no.1 – insurance company.

3] In brief, it is the contention of learned counsel for the appellant – insurance company that the appellant has a good case to succeed in appeal. The challenge is raised as to quantum of compensation awarded. It is submitted that at the time of incident, the deceased was 18 years old and studying in 12th Standard. The Tribunal has notionally assessed the income of the deceased as Rs.6,000/- per month and further awarded 50% towards future prospects in determination of compensation. It is submitted that the assessment made is too much on higher side.

4] On the other hand, learned counsel for the applicants – claimants supports the judgment and award passed by the Tribunal. He submits that the deceased was the only son of the deceased and he was 18 years of age and studying in college. He had good prospects.

5] On due consideration of the submissions advanced in the light of challenge raised in the appeal and the judgment and award passed by the Tribunal, I am of the view that the order in following terms would meet the ends of justice.

O R D E R

A] The applicants – claimants are allowed to withdraw amount of Rs.6,00,000/- (rupees six lakhs only) in equal proportion on furnishing written undertaking to the effect that in the event the award is set aside or modified, they shall deposit the amount in terms of order within four weeks from the date of passing of such order.

B] The balance amount be invested with any

Nationalized Bank initially for a period of three years with standing instructions to renew the same.

C] Withdrawal of amount shall be subject to final outcome of the appeal.

D] Civil application is disposed of in above terms.

(V.L. ACHLIYA, J.)