

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 957 OF 2020
IN
FIRST APPEAL NO. 3039 OF 2019

SAVITA RAVINDRA WAGHCHAURE AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LIMITED AND OTHERS

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Advocate for the applicant: Mr. N.D. Kendre
Advocate for respondent No.1: Mr. Mohit R. Deshmukh
Advocate for respondent No. 2: Mr. H.V. Tungar
Advocate for respondent No.3: Mr. A.G. Kakde
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CORAM : V. K. JADHAV, J.
DATED : 4th NOVEMBER, 2020

PER COURT:-

1. Heard both sides.
2. Learned counsel for the respondent-insurer has strongly resisted the application on the ground that the Tribunal has not considered that the deceased himself has contributed the negligence and further the Tribunal has not correctly considered the last drawn salary of the deceased for the purpose of awarding compensation.
3. It is a death claim and the bread earner of the family met with an accidental death.
4. In view of the above, I am inclined to permit the applicants to withdraw the amount with certain conditions. Hence, the following order:-

O R D E R

- I. The civil application is hereby partly allowed.
- II. The applicants-original claimants are permitted to withdraw the amount of Rs.30,00,000/- (Rupees Thirty lacs only) on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court.
- III. The applicant No.1 Savita Ravindra Waghchaure shall furnish the undertaking for herself and on behalf of the other applicants.
- IV. Civil application is disposed of.

(V. K. JADHAV, J.)

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