

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

**18 CIVIL APPLICATION NO. 1076 OF 2021
IN FAST/31937/2019**

**VANITA DIGAMBER AATAMWAD AND ORS
VS
M/S. SHRIRAM GENERAL INSURANCE CO. LTD, THR ITS
MANAGER (LEGAL) AND OTHERS**

Mr. Santosh C. Bhosle, Advocate for the applicants
Mr. Vinayak Nartayan Upadhye, Advocate for the respondent No.1

CORAM : N. J. JAMADAR, J.

DATE : 01-03-2021

P. C.

. This application is preferred by the applicants-dependents of the deceased Digambar who suffered death in the accident which led to filing of the MACP No. 33 of 2016, wherein the learned Member of the Tribunal was pleased to award the compensation of Rs. 9,99,000/-.

2. The applicants claim that the deceased was the sole earning member of the family. They have no source of income. To facilitate the educational and other requirements of applicant Nos. 2 and 3, the applicants are in need of money.

3. Learned counsel for the respondent No.1-appellant resisted the prayer of withdrawal. Learned counsel for the

respondent No.1 urged that the involvement of the vehicle is serious in dispute. In fact, registration number of the vehicle was subsequently altered in the documents.

4. Indisputably, the applicant Nos.1 to 3 were dependent on the income of the deceased. In the prevalent circumstances, the prayer of the applicants for withdrawal of amount to meet the necessities of life seems justifiable. Learned Member of the tribunal was persuaded to direct that an amount of Rs. 5,00,000/- be invested in the name of applicant No.1 for a period of five years. It would thus be expedient to direct that the amount excluding the said amount of Rs.5,00,000/- be allowed to be withdrawn by the applicants on furnishing usual undertaking. Hence, the following order.

ORDER

- i. The application is partly allowed.
- ii. The applicants are entitled to withdraw the amount deposited by the appellant-insurance company alongwith interest accrued thereon, except the sum of Rs. 5,00,000/- which has been ordered to be kept in a fixed deposit in the name of applicant No.1, on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this court.

[N. J. JAMADAR, J.]