

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

**926 CIVIL APPLICATION NO. 1161 OF 2021
IN FIRST APPEAL NO.1636 OF 2020**

**MANNABEE MOHSIN SHAIKH AND ORS
VERSUS
THE UNITED INDIA INSURANCE CO. LTD., A SUBSIDIARY OF GENERAL
INSURANCE CO. OF INDIA LTD., AURANGABA**

Shri. S. A. Mulla h/f Shri. F. K. Patel, Advocate for the applicants
Shri. A. B. Kadethankar, Advocate for respondent No. 3.

CORAM : M. G. SEWLIKAR, J.

DATED : 28-01-2021

P.C. :-

. Heard learned counsel Shri. Mulla h/f Shri. Patel, learned counsel for the applicants and learned counsel Shri. Kadethankar for respondent No. 3.

2. Shri. Kadethankar, learned counsel for respondent No. 3 argued that, according to the Insurance Company, the amount ought to have been awarded is Rs. 8 lakhs and odd. But the tribunal has awarded Rs. 49 lakhs and odd amount (inclusive of interest). He argued that income was not proved.

3. Having heard both the sides, I deem it appropriate to allow the applicants to withdraw 50% of the amount deposited. In view of this applicants are permitted to withdraw 50% of the entire amount deposited by the Insurance Company on furnishing undertaking on usual terms.

4. The amount be disbursed in terms of the apportionment made by the tribunal i.e. as per clause 3 of the operative order.

5. Civil application is disposed of.

[M. G. SEWLIKAR, J.]

ssp