

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

**CIVIL APPLICATION NO. 2492 OF 2020
IN
CIVIL APPLICATION NO. 13497 OF 2019
IN
FIRST APPEAL (ST) NO. 30218 OF 2019**

Doddi Durga and Others ..APPLICANTS

VERSUS

M/s Royal Sundram Alliance Insurance Co. Ltd.,
Through its Manager (Legal) and Another ..RESPONDENTS

....
Mr. R.R. Karpe, Advocate for applicants
Mr. V.N. Upadhye, Advocate for respondent no.1
....

**CORAM : R.G. AVACHAT, J.
DATED : 03rd MARCH, 2021**

PER COURT :

1. Learned counsel for the applicants tenders affidavit of service of notice to Respondent No.2 through R.P.A.D.

2. Heard. It is a death claim. The applicants are widow and children of the deceased. Total sum of Rs.53,23,800/- has been awarded as compensation. It appears that the deceased was the sole bread earner of the family. The applicants, therefore, urged for withdrawal the amount deposited under the award.

3. Learned counsel for the respondents objects. According to him the order to pay and recover has been passed. The company has to recover the amount from the owner of the vehicle. He, however not moved any application for attachment of the vehicle owned by Respondent No.2/vehicle owner or attachment of his any other property. If the appellant company moves such application, same can be considered.

4. Civil application is allowed. 75% of the amount deposited under the award be paid to the applicants in proportion to the order dated 02nd November, 2018. The applicants to furnish usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Civil application is disposed of.

(R.G. AVACHAT, J.)

SSD