

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

**980 CIVIL APPLICATION NO.2485 OF 2021
IN FA/3212/2019**

SHILPA RAJIV SABLE AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS DIVISIONAL MANAGER,
AURANGABAD AND OTHERS

...
Advocate for Applicants : Shri Ram B.Deshpande
Advocate for Respondent No.1 : Shri S.S.Rathi

...
CORAM : M. G. SEWLIKAR, J.
Date: February 17, 2021

...
PER COURT :-

1. Heard.
2. Shri S.S.Rathi, learned counsel for respondent No.1 submits that he has preferred appeal on the ground of absence of valid licence and negligence of the deceased.
3. Shri Ram B.Deshpande, learned counsel for the applicants submits that the deduction from the salary of the deceased was incorrectly done by the Tribunal. He has preferred appeal for enhancement in the compensation amount. He further submitted that driver was driving the Truck and an unladen weight is not on record. He further submitted that in view of the decision of the Hon'ble Supreme Court in the case of ***Mukund Dewangan Vs. Oriental Insurance Company Ltd. [(2017) 14 SCC 663]***, this question does not arise.
4. Having regard to the submissions, the applicants are permitted to withdraw 40% of the amount of compensation on giving personal undertaking on usual terms.

(M. G. SEWLIKAR, J.)