

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

**CIVIL APPLICATION NO. 4382 OF 2021
IN/AND
FIRST APPEAL NO. 3746 OF 2016**

Asmita Prashant Gaikwad and Others

..APPLICANTS

VERSUS

The New India Insurance Co. Ltd.
Through it's Branch Manager, Osmanabad
and Another

..RESPONDENTS

....
Mr. P.S. Chavan, Advocate for applicants
Mr. S.G. Chapalgaonkar, Advocate for respondent no.1
....

**CORAM : R.G. AVACHAT, J.
DATED : 09th JUNE, 2021**

PER COURT :

1. Heard. This application has been moved for withdrawal of amount of compensation granted to Applicant No.2 – Prathamesh Prashant Gaikwad. The withdrawal has been sought on the ground of requirement of funds for his further education.

2. Learned counsel for the respondent – insurance company opposed the application.

3. I have perused the impugned award. It is a death claim. The claimants are the legal heirs of the deceased – Prashant Gaikwad. On appreciating evidence, the tribunal awarded compensation amounting to Rs.29,76,113/- with 7.5% per annum interest thereon. The entire amount under the award has been deposited. The amount of compensation has been directed to be distributed amongst the three claimants i.e. the widow and two minor children of the deceased, equally. As such, a sum of Rs.10,24,245/- has been deposited in the name of Applicant No.2 – Prathamesh Prashant Gaikwad in the nationalised bank until he attains majority.

4. It has been averred in the application that Prathamesh has now attained majority. The money is required for his education. In this factual backdrop, I am inclined to allow the application as under :-

ORDER

(i) Civil application is allowed.

(ii) Applicant No.2 – Prathamesh Prashant Gaikwad is permitted to withdraw a sum of Rs.5,00,000/- (Rupees Five Lakh) out of the amount kept in fixed deposit in his name.

(iii) On withdrawal of Rs.5,00,000/-, the balance amount be kept in fixed deposit in the nationalised bank in his name, pending the appeal.

(iv) Appeal be fixed on 06th July, 2021.

(R.G. AVACHAT, J.)

SSD