

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

**998 CIVIL APPLICATION NO.6704 OF 2020
IN FA/191/2021 WITH CA/12328/2019 IN FA/191/2021**

**RUHMIN SHANKAR GHAVLE AND ORS
VERSUS
RELIANCE GENERAL INSURANCE CO., THR ITS MANAGER,
AURANGABAD AND ORS**

Mr. Vilas P. Savant, Advocate for the applicants
Mr. S. S. Patil, Advocate for respondent No.1
Mr. A. D. Hande, Advocate for respondent No.6 and 7

CORAM : N. J. JAMADAR, J.

DATE : 12-03-2021

P. C.

CIVIL APPLICATION NO. 6704 OF 2020

. The appliants-original claimants have preferred this application seeking permission to withdraw the amount of compensation deposited by the respondent No.1-insurer in terms of judgment and award dated 23-04-2019 passed by the MACT, Majalgaon in MACP No.13/2015. The applicant No.1 and 2 are the parents of the deceased and applicant No.3 to 5 are the siblings.

2. There are averments in the application in justification of prayer for withdrawal of amount.

3. Learned counsel for the respondent No.1 resisted the

prayer on the count that the determination of quantum of compensation warrants consideration.

4. Evidently, the deceased was the bread-earner of the family. The applicants require the amount to meet the necessities of life.

5. Having regard to the quantum of the compensation and situation in the life of the applicants, it would be expedient to permit the applicants to withdraw 60% of amount of compensation deposited by the respondent No.1-insurer alongwith interest accrued thereon, on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this court. Hence, the following order:

ORDER

- i. The application stands partly allowed.
- ii. The applicants are permitted to withdraw 60% of the amount of compensation deposited by the respondent No.1-insurer alongwith interest accrued thereon, on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this court to bring back the amount in the event it is held that the applicants are not entitled to compensation.

- iii. Rest of the amount be invested in a fixed deposit.
- iv. The application stands disposed of.

CIVIL APPLICATION NO. 12328 OF 2019

. Heard learned counsel for the parties.

2. The applicant-appellant has deposited the entire amount of compensation alongwith interest accrued thereon as awarded by the tribunal.

3. By a separate order this court has permitted the respondents-claimants to withdraw 60% of the said amount.

4. Hence, the execution and operation of the impugned judgment and award dated 23-04-2019, passed by the tribunal in MACP No. 13/2015 stands stayed till the final disposal of the appeal.

5. The application stands disposed of.

[N. J. JAMADAR, J.]