

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CIVIL APPLICATION NO.5547 OF 2021
IN FA/2375/2020

SUBHIDRA NAVNATH FATAK AND ORS
VERSUS
MANOHAR KASHINATH LOKHANDE AND OTHERS

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Mr. M.R. Deshmukh, Advocate for applicants
Mr. R.H. Dahat, Advocate for the respondent No.3

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd JUNE, 2021.

PER COURT :

1 Heard both sides.

2 Learned Advocate for the insurance company submits that the appeal has been filed mainly on the ground of quantum.

3 Taking into consideration the grounds raised in the appeal, partial withdrawal is definitely permissible. The award shows that compensation of Rs.23,92,200/- was awarded with interest and its apportionment has been done. Original claimant Nos.2, 3 and 4, who were the sons of the deceased, have been granted amount of Rs.1,00,000/-,

Rs.2,50,000/- and Rs.2,50,000/- respectively along with the proportionate costs of the petition and the interest. Whereas the wife has been granted amount of Rs.17,92,200/- with proportionate costs of the petition and interest. Therefore, taking into consideration the amount that has been given to the claimant Nos.2, 3 and 4 is concerned, there is no hurdle in allowing them the principal amount, that is, keeping the interest and costs part aside and therefore, they are entitled to withdraw an amount of Rs.1,00,000/-, Rs.2,50,000/- and Rs.2,50,000/- respectively.

4 Now, as regards the widow is concerned, the amount, that is, now deposited in this Court is to the tune of Rs.30,07,682/-. While apportioning the amount to the widow, it was directed that Rs.7,92,200/- be invested in Fixed Deposit. However, at this stage, as aforesaid, when the insurance company is challenging the quantum also, she cannot be allowed to withdraw the entire amount. She is entitled to withdraw an amount of Rs.14,00,000/-. Rest of the amount be invested.

5 Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)