

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

**CIVIL APPLICATION 5838 OF 2021
IN
FIRST APPEAL NO. 155 OF 2021**

Piraji Dhondiba Dumane and another Applicants

Versus

HDFC ERGO General Insurance

Company Ltd. and others ... Respondents

....

Mr. Mahesh P. Kale, Advocate for the applicants

Mr. M. R. Deshmukh, Advocate for respondent No.1

....

CORAM : R. G. AVACHAT, J.

DATED : 09th JULY, 2021

PER COURT :-

. This is an application for withdrawal of the amount of compensation.

2. Heard. Perused the impugned award.

The claimants are the parents of the deceased. Two vehicles were involved in the accident, namely, tractor and the trolley. Both the vehicles were insured with different insurance companies. The owner of the vehicles and the respective insurers have been directed to pay the amount under the award, jointly and

severally. The deceased was the only son of the claimants. The insurance company of the trolley has not challenged the award. It had deposited 50% of the amount under the award. The said amount has already been withdrawn by the applicants/claimants.

3. Since the deceased was the only son of the applicants, I am inclined to permit them to withdraw 50% of the amount presently in deposit with this Court. Hence, following order.

ORDER

- (i) The civil application is partly allowed.
- (ii) The applicants are permitted to withdraw 50% of the amount presently in deposit with this Court on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Balance amount be invested in fixed deposit in any nationalised bank, till disposal of the appeal.

[R. G. AVACHAT, J.]

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