

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

**1000 CIVIL APPLICATION NO.1063 OF 2021
IN FAST/30745/2019**

**NEETA BALIRAM SHEMBDE AND ORS
VERSUS
ROYAL SUNDARAM ALLIANCE INURANCE CO. LTD., THR ITS
AUTHORIZED OFFICER AND ANOTHER**

Mr. Vilas P. Savant, Advocate for the applicants
Mr. Avinash S. Deshpande, Advocate for the respondent No.1

CORAM : N. J. JAMADAR, J.

DATE : 12-03-2021

P. C.

. The applicants-original claimants have preferred this application seeking permission to withdraw the amount of compensation deposited by the appellant-insurer in terms of the judgment and award dated 04-09-2018 passed by MACT, Beed in MACP No. 70/2015. The applicants are parents, wife and children of the deceased Baliram Shembde.

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

3. Having regard to the situation in the life of the applicants, requirements of funds to meet the necessities of life cannot be questioned.

4. Learned counsel for the respondent-insurer submitted that the determination of quantum of compensation warrants consideration.

5. In the light of the situation in the life of the applicants and averments in the application, it may be expedient to allow the applicants to withdraw the amount of compensation deposited by the appellant-insurer, excluding an amount of Rs.5,00,000/-, which has been ordered to be deposited in the name of applicant Nos. 2 and 3, till they attain the majority. Hence, the following order.

ORDER

- i. The application stands partly allowed.
- ii. The applicant Nos. 4 and 5 are entitled to withdraw an amount of Rs. 1,00,000/- each and applicant Nos. 1 is entitled to withdraw the rest of the amount, excluding the amount of Rs.5,00,000/-, 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 they are not entitled to the compensation.
- iii. Balance amount of Rs.5,00,000/- be invested in a fixed deposit of Rs. 25,00,000/- each, in the names of

(3)

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applicant No.2 Govind Shembde and applicant No.3-
Gopal Shembde in any nationalized bank.

vi. The application stands disposed of.

[N. J. JAMADAR, J.]

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