

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

23 CIVIL APPLICATION NO.11639 OF 2021
IN FA/792/2012 WITH CA/5036/2012 IN FA/792/2012

SANGEETA TRIMBAK KHAJINKAR AND ANR
VERSUS
UNITED INDIA INSURANCE CO. LTD THR DIVISIONAL MANAGER AND
ORS.

Mr A.M. Inamdar, Advocate h/f Mr S.S. Kazi, Advocate for applicants
Mr Swapnil Dargad, Advocate h/f Mr S.G. Chapalgaonkar, Advocate
for respondent no.1

CORAM : SHRIKANT D. KULKARNI, J..

DATE : 25th October, 2021

PER COURT :

1. It is an application for withdrawal of amount moved by the applicants/original claimants who happened to be the parents of deceased son who met with an accident and died on 16.12.2009.
2. Heard Mr A.M. Inamdar, learned Counsel holding for Mr S.S. Kazi, learned Counsel for applicants/original claimants and Mr Swapnil Dargad, learned Counsel holding for Mr S.G. Chapalgaonkar, learned Counsel for respondent no.1/Insurance Company. None present for respondents no.2 and 3.
3. Perused the judgment and award dated 17.2.2012, passed in M.A.C.P. No.91/2010 by the Member, M.A.C.T., Aurangabad.
4. The Tribunal was pleased to award compensation of Rs.1,75,000/- inclusive of N.F.L. amount to the applicants/original claimants with interest @ 9% p.a. The respondent no.1/Insurance Company has deposited Rs.2,14,462/- (inclusive of N.F.L. amount) and interest with the registry of this Court.

5. The applicants happened to be the parents of the deceased. It is a death claim and that too of the year 2010. The applicants are entitled to withdraw the amount to the extent of 50% deposited by the Insurance Company, on furnishing usual undertaking as per practice with the Registrar (Judicial) of this Court. That would meet the ends of justice. With this, I conclude and proceed to pass the following order :

ORDER

- (i) The applicants are hereby permitted to withdraw the amount of compensation to the extent of 50% deposited by respondent no.1/Insurance Company in this Court, on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (ii) The Registrar (Judicial), after accepting the undertaking may proceed to make payment to the applicants to the extent of 50% to the applicants/original claimants.
- (iii) Civil Application is allowed and disposed of accordingly.

(SHRIKANT D. KULKARNI, J.)

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