

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11817 OF 2021  
IN  
FIRST APPEAL NO.1111 OF 2010

SMT CHHAYABAI RAJENDRA BHANSALI AND ORS  
VERSUS  
MAHENDRA FRIGATE CARRIER AND ANR

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Advocate for Applicants : Mr Sachin S. Deshmukh  
Advocate for Respondent No. 2 : Mr M.M. Ambore

**CORAM : SHRIKANT D. KULKARNI, J.**

**DATE : 27<sup>th</sup> OCTOBER, 2021**

**PER COURT :**

1. Leave to correct the number of M.A.C.P. in prayer clause (B).
2. It is an application moved by the applicants/original claimants for withdrawal of the amount.
3. Heard Mr Deshmukh, learned counsel for the applicants and Mr. Ambore, learned counsel appearing for respondent No.2/Insurance Company.
4. Perused the record.
5. As per record, till today no cross objection seems to have been preferred by the Insurance Company against the impugned award. There is no hurdle to allow the applicants to withdraw the amount deposited by the Insurance Company pursuant to the award passed in M.A.C.P. No. 355/2001.

6. The applicants have preferred this appeal for enhancement of compensation. It is not the case that Insurance Company has preferred appeal disputing the amount of compensation awarded by the tribunal. There was no reason for the tribunal to reject the prayer of the applicants for withdrawal of the amount. The only reason assigned by the tribunal that appeal is subjudice before this court and that is why prayer was turned down which appears to be incorrect and improper. The applicants need to be permitted to withdraw the amount.

### **ORDER**

- (I) The civil application is hereby allowed as under :
- (II) The applicants are hereby permitted to withdraw the amount of compensation deposited by the Insurance Company in the tribunal according to their apportionment given in the operative part of the award.
- (III) Inform to the Member, M.A.C.T. Jalgaon for making payment to the applicants.
- (IV) Parties to act upon authenticated copy of this order.

**[ SHRIKANT D. KULKARNI, J. ]**

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