

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

CIVIL APPLICATION NO.4114 OF 2022 IN FAST/32899/2017

**PUSHPA SHARAD SHELKE AND OTHERS
VERSUS
THE ORIENTAL INSURANCE CO. LTD., THROUGH DIVISIONAL
OFFICE, AURANGABAD AND ANOTHER**

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Mr. S.B. Kadu, Advocate for the Applicants

Mr. A.A.Puranik, Advocate h/f A.S. Deshpande, Advocate for
Respondent No.1

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 22nd MARCH, 2022

PER COURT:-

1. It is a second occasion, applicants / claimants have moved this application seeking permission to withdraw the remaining balance amount of compensation on account of education of minor applicant no.5 Surabhi.

2. Heard Mr. S.B. Kadu, learned counsel for the applicants / claimants and Mr. A.A. Puranik holding for Mr. A.S. Deshpande, learned counsel for respondent no.1 / insurance company.

3. Mr. Kadu, learned counsel for the applicants / claimants invited my attention to the copy of fees structure / brochure of Engineering college, which is at Exhibit 'A'. He points out that

applicant no.5 intends to take admission in the engineering college and as such, applicants are in need of money.

4. Mr. Puranik holding for Mr. Deshpande, learned counsel for respondent no.1 opposed to allow this application.

5. On perusing the record, it is revealed that the insurance company / appellant has deposited the amount of compensation of Rs. 22,49,998/- along with interest in this Court. As per the Court's order dated 07.02.2017, the applicants are allowed to withdraw 50% of the amount of compensation on furnishing undertaking. Accordingly, the applicants have withdrawn 50% amount of compensation, which comes to Rs. 11,24,949/-. Now, remaining balance amount of Rs. 11,24,949 is lying with the Registry. The applicant no.5 intends to take admission in the Engineering college. The applicants / claimants have also placed on record the copy of brochure of Dr. D.Y. Patil Engineering College in support of application in order to show the *bona fides*. By considering all these aspects and looking to the past withdrawal of 50% amount, I am of the view that if certain lump sum amount is allowed to be withdrawn for the education expenses of applicant no.5, it would meet the ends of justice.

6. Having regard to the above reasons and discussion, I proceed to pass the following order.

ORDER

- (i) The application is hereby allowed as under;
 - (a) The applicants are permitted to withdraw Rs. 5,00,000/- from the remaining 50% balance amount of compensation lying with this Registry on furnishing solvent security / surety to the satisfaction of the Registrar (Judicial) of this Court for education expenses of applicant no.5.
 - (b) It is made clear that this amount of Rs.5,00,000/- allowed to be withdrawn only for the education expenses of applicant no.5 and not for any other purposes.
- (ii) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane