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921- C.A. No. 2008-2022

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

**CIVIL APPLICATION NO. 2008 OF 2022
IN
FIRST APPEAL NO. 2577 OF 2021**

Sk. Chand S/o Abdul Gani (Died)
Through Legal heirs Sk. Sabera
and others

..APPLICANT

VERSUS

The Oriental Insurance Co. Ltd,
Through its Branch Manager,
Parbhani and Others

.. Respondents

CORAM : VINAY JOSHI, J.

DATE : 23-02-2022

P. C.

1. This is claimants application seeking withdrawal of compensation amount. In vehicular accident dated 19.06. 2018, husband of the applicant No.1 and father of minor applicants namely Shaikh Chand died at the age of 28 years. While deceased was traveling as a occupant in an Auto Rickshaw there was accident with another vehicle in which he died.

2. The tribunal has assessed total compensation to the tune of

Rs. 11,51,200/-. Since the applicants have no source of income they claimed for withdrawal of entire amount.

3. The learned counsel appearing for the respondent (appellant) Insurance Company resisted this application by contending that the tribunal has wrongly assessed the notional income and the compensation is at higher side. It is submitted that company has deposited Rs. 14, 39, 820/- in this Court.

4. Having regard to above fact the applicant No.1 widow is permitted to withdraw the amount of Rs. 2,50,000/- (Two Lakh Fifty Thousand) on furnishing usual undertaking. The amount of Rs. 2,50,000/- (Two Lakhs Fifty Thousand) each be invested in the name of applicant widow and both the minor children through their guardian mother for the period of three years with condition that they shall not be allowed for withdrawal unless permitted by this Court. The amount be invested in the Nationalized Bank of their choice with a provision that the widow would be entitled to receive periodical interest on deposits as per her choice for the purpose of maintenance. On attaining majority

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minors would be entitled to receive interest on their respective deposits.

05. The widow shall file usual undertaking to the satisfaction of the learned Registrar (Judicial).

06. Application is disposed of.

[VINAY JOSHI, J.]

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