

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

**956 CIVIL APPLICATION NO. 2061 OF 2022
IN FA/3003/2021**

**SANDHYA SHIVKUMAR GADRE AND ORS
VERSUS
SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS MANAGER LEGAL
DEPARTMENT, NAGPUR**

...

Advocate for Applicants : Mr. P.C. Mayure
Advocate for Respondent No. 1 : Mr.Rathi Swapnil S.
Advocate for Respondent No. 2 : Mr.Pahilwan Gautam J.

...

**CORAM : VINAY JOSHI, J.
DATE : 23rd FEBRUARY 2022.**

PER COURT :

1. This is an application seeking for withdrawal of compensation amount. On account of death of a young boy, the claim was raised by the parents and sister of the deceased. In passage of time the father of the deceased is no more. Remaining claimants i.e. the mother and the sister have approached this Court for withdrawal of compensation amount.

2. The insurance company has deposited amount of Rs. 36,67,424/- in this Court as informed by learned counsel appearing for the insurance company.

3. He has resisted this application by contending that the Tribunal has erred in deciding the point of negligence. Moreover, he would submit that the Tribunal has held the notional income of the

deceased to the extent of Rs. 18,000/- which is on quite higher side.

4. Having regard to the above facts, partial withdrawal can be permitted to secure the interest of both sides.

5. Out of deposited amount, an amount of Rs. 12,00,000/- be invested in the name of applicant No. 1 Sandhya Shivkumar Gadre (mother of the deceased) in any nationalized bank of her choice, for the period of three years with a rider that there shall be no withdrawal, unless permitted by this Court.

6. The applicant No. 1 Sandhya Shivkumar Gadre (mother of deceased) shall be entitled to receive periodical interest on the said deposit as per her choice for the purpose of maintenance.

7. Out of remaining amount, an amount Rs. 5,00,000/- be disbursed to applicant No. 1 Sandhya Shivkumar Gadre (Mother of deceased) and Rs. 3,00,000/- to applicant No. 2 Sweta Shivkumar Gadre, on obtaining their usual undertakings to the satisfaction of Registrar (Judicial).

8. Remaining amount be invested in any nationalized bank.

9. Civil application is disposed of.

(VINAY JOSHI, J.)