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

56 CIVIL APPLICATION NO.4588 OF 2022
IN FA/1841/2018

SHAKUNTALA WD/O DILIP GHAGARE AND OTHERS
VERSUS
RAMDEV S/O RANGNATH RAI AND OTHERS

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Advocate for Applicants : Mr. Mohit R. Deshmukh.
Advocate for Respondent No.3: Mr. S. S. Patil.

...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 28th March, 2022.

P.C.:

. It is an application for withdrawal of compensation amount moved by the applicants/original claimants.

2 Heard Mr. M. R. Deshmukh, learned counsel for the applicants/claimants and Mr. S. S. Patil, learned counsel for respondent No.3/insurance company.

3 Mr. Deshmukh, learned counsel for applicants/claimants submitted that this Court was pleased to allow claimant No.1/widow of the deceased to withdraw a sum of Rs.12,00,000/- whereas the parents of the deceased/original claimant Nos.4 and 5 were allowed to withdraw Rs.1,50,000/- each. He submitted that accordingly, the applicants have withdrawn Rs.15,00,000/- out of the compensation amount deposited by the insurance company in this Court. He

submitted that in change in scenario, the second application for withdrawal of compensation amount is moved by the applicants. He invited my attention to the copy of receipt coupled with copy of Index-2 register. He pointed out that applicant No.1 has purchased house property for a sum of Rs.19,36,000/- by way of registered sale-deed dated 7th August, 2019. Applicant No.1 has borrowed Rs.10,00,000/- for payment of consideration amount. As such, she is in need of money. Moreover, applicant Nos.2 and 3 were minor at the time of moving first application for withdrawal of compensation amount. They have now become major. Applicant No.1 is required to satisfy their educational expenses and she is in need of money. He, therefore, urged to allow this application.

4 Mr. S. S. Patil, learned counsel for respondent No.3/insurance company opposed to allow this application. By way of alternate submission, he submitted that at the most applicant Nos.2 and 3 may be allowed to withdraw Rs.1,50,000/- each as like withdrawal of parents under order dated 17th October, 2018.

5 I have considered the submissions advanced by the learned Advocates for both the sides. I have also perused the copy of Index-2 register and copy of receipt. It is evident that applicant No.1 has purchased house property for consideration of Rs.19,36,000/-. It is a

change in scenario. Secondly, applicant Nos.2 and 3 have now become major and they are taking education. Certainly, applicant No.1 must be in need of money to satisfy education expenses of her children/applicant Nos.2 and 3.

6 Therefore, I am of the opinion that the application needs to be allowed. By considering the earlier withdrawal of Rs.15,00,000/- and looking to the claim decreed by the Tribunal, I am of the view to allow applicant Nos.2 and 3 to withdraw Rs.3,00,000/- each, which would give some monetary help to applicant No.1. With this, I conclude and proceed to pass the following order:

<u>O R D E R</u>

I. The application is hereby allowed as under:

II. Applicant Nos.2 and 3 are permitted to withdraw Rs.3,00,000/- each (total of Rs.6,00,000/-) from the compensation amount deposited by respondent No.3/insurance company in this Court on furnishing necessary undertaking to the satisfaction of the Registrar (Judicial) of this Court.

III. The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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