

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

905 CIVIL APPLICATION NO.4907 OF 2022
IN FA/281/2021

SANTOSH S/O RAMDAS BHALERAO AND OTHERS
VERSUS
THE ORIENTAL INSURANCE CO. LTD.,
THROUGH ITS DIVISIONAL MANAGER, AURANGABAD AND OTHERS

...
Advocate for Applicants : Mr. Hemraj P. Kshirsagar.
Advocate for Respondent : Mr. D. R. Adhav, h/f Mr. A. G. Kanade.
...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 29th April, 2022.

P.C.:

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

2 Heard Mr. Kshirsagar, learned counsel for the applicants/claimants and Mr. D. R. Adhav, holding for Mr. A. G. Kanade, learned counsel for the insurance company.

3 Perused the impugned judgment and award passed in MACP No.338 of 2011 by the Member, MACT, Jalgaon.

4 It is a death claim. The Tribunal was pleased to award compensation of Rs.6,55,000/-. The Tribunal was further pleased to fix

the liability on the appellant/Oriental Insurance Company Limited to the extent of Rs.3,27,500/-.

5 Having regard to the submissions of both the sides and looking to the facts of the case and defence raised by the insurance company, I am of the view that if claimants are allowed to withdraw 50% of the amount of compensation with accrued interest thereon, it would meet the ends of justice and also take care of the defence taken by the insurance company. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed as under:
- II. The applicants/claimants are hereby permitted to withdraw 50% of the amount of compensation with accrued interest thereon deposited by the Appellant on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- III. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]