

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO.4722 OF 2022
IN FA/2774/2021

PRATIBHA SAMADHAN SURYAWANSHI @ MARATHE AND
ANOTHER
VERSUS
SBI GENERAL INSURANCE COMPANY LTD. MUMBAI

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Mr.Shrikant S. Patil, advocate for applicants
Mr.S.S. Patil, advocate for respondent no.1.

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CORAM : S.G. DIGE, J.
DATE : 15th JUNE, 2022

PER COURT :-

. Heard the learned counsel for the
applicants and respondent.

2. The learned counsel for the applicants
submits that the learned trial Court has awarded
the compensation of around Rs.66,28,480/- along
with 8% interest thereon. The appellant has
deposited the said amount before this Court. The
applicant no.1 is widow of deceased and the
applicant no.2 is mother of the deceased. After
death of deceased, there is no one to look after
the applicants. They are facing financial crises.
The amount is required for the medical treatment
of applicant no.2. Hence requested to allow the
applicants to withdraw the amount deposited by
the appellant.

3. The learned counsel for the respondent

no.1 submits the accident was occurred due to negligence of the deceased, hence Insurance Company is not liable to pay any compensation. Inspite of that the learned Tribunal has awarded the compensation. The order of the learned Tribunal is challenged in the appeal, hence till the decision of the appeal, the applicants cannot be permitted to withdraw the amount.

4. I have heard both the learned counsel.

5. Applicant no.1 is widow of the deceased and applicant no.2 is the mother of the deceased. They are facing financial crises due to death of deceased. They have no other source of income. The amount is required for day today activity as well as medical treatment of applicant no.2. Hence I pass the following order :-

ORDER

(i) The Civil Application is allowed.

(ii) The applicant nos.1 and 2 are allowed to withdraw Rs.15,00,000/- (Rs. Fifteen Lakhs Only) each from the amount deposited by the appellant before this Court, subject to usual undertaking before the Motor Accident Claims Tribunal, Dhule.

(iii) The amount which is allowed to be withdrawn be transmitted to the Motor Accident Claims Tribunal, Dhule for withdrawal.

(iii) The application is disposed of accordingly.

(S.G.DIGE, J.)

SGA