

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

**9 CIVIL APPLICATION NO.5625 OF 2022
IN FA/2520/2021**

**SHOBHA BHAUSAHEB SHELKE AND ORS
VERSUS
THE RELIANCE GENERAL INSURANCE CO. LTD., THR ITS LEGAL
OFFICER, AURANGABAD AND ORS**

...
Advocate for Applicants : Mr.Ambetkar Arvind G.
Advocate for Respondent No. 1 : Mr.R. H. Dahat and Mr.S. S. Patil
...

**CORAM : SANDIPKUMAR C. MORE, J.
DATE : 28.11.2022.**

PER COURT :

1. Heard the rival submissions.
2. Both the counsel for rival parties pointed out that under Order dated 09.06.2022 this Court had directed Respondent No.1 Insurance Company to deposit the interest amount. However, the learned counsel for the Respondent No. 1-Insurance Company pointed out that the Insurance Company had already deposited the amount of impugned award along with the interest and aforesaid directions had come only due to miscommunication.
3. The applicants are seeking withdrawal of the entire communication amount along with accrued interest thereon till date. The learned counsel for respondent No. 1-Insurance Company

strongly opposed the application on the ground that the learned Tribunal wrongly held the income of deceased to the tune of Rs. 30,000/- per month, which actually was the amount of family pension received by the applicants. He pointed out that the Claimants are still receiving the said amount and therefore, while assessing the income of the deceased the said amount should not have been considered by the learned Tribunal.

4. In view of the above submissions, I am of the opinion that only 50% amount of the impugned award can be disbursed amongst the applicants, along with the accrued interest thereon till date, at this juncture. As such, the applicants are entitled for withdrawal of 50% of the deposited amount, along with the accrued interest thereon till date, by furnishing usual undertaking to the Registrar (Judicial) of this Court. The aforesaid amount be paid to the applicants in equal proportions. The remaining amount be kept in FDR in any Nationalized Bank, till final disposal of the appeal. The application accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

mahajansb/