

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

17 CIVIL APPLICATION NO.6224 OF 2020
IN FAST/25537/2019

ASHA POPAT RASKAR AND ANOTHER
VERSUS
SHRIRAM GENERAL INSURANCE CO. LTD., AND ANOTHER

...
Advocate for Applicants : Mr. Kakasaheb J. Tandale.
Advocate for Respondent No.1 : Mr. V. N. Upadhye.
...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 21st March, 2022.

P.C.:

. Mr. Tandale, learned counsel for applicant undertakes to remove office objections regarding respondent No.1 forthwith. His undertaking is accepted.

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

3 Heard Mr. Tandale, learned counsel for applicants and Mr.Upadhye, learned counsel for respondent No.1/insurance company. None present for respondent No.2 when the matter is called out.

4 The insurance company has deposited an amount of Rs.18,03,814/- plus Rs.25,000/- towards statutory deposit. It is a death claim and applicant No.1/claimant has lost her husband in a

motor vehicle accident. She is now shouldering the responsibility of the family.

5 Mr. Upadhye, learned counsel for insurance company opposed to allow this application in view of the grounds raised in the appeal memo.

6 Having considered the submissions of Mr. Tandale, learned counsel for applicants and Mr. Upadhye, learned counsel for insurance company and looking to the fact that applicant No.1/claimant has lost her husband in a motor vehicle accident and she is now required to shoulder responsibility of her family, if 50% of the compensation amount is allowed to be withdrawn she may look after her family in a proper way. Hence, the following order is passed:

ORDER

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

- III. The remaining 50% balance amount shall be invested in fixed deposit account in any Nationalized Bank with clause of renewal.
- V. The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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