

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

911 CIVIL APPLICATION NO.6789 OF 2022
IN FA/2511/2013

JIJABAI PANDHARINATH SONAWANE AND OTHERS
VERSUS
DATTATRAY BANSI PATIL AND OTHERS

...
Advocate for Applicants : Mr. Ajay T. Kanawade.
Advocate for Respondent No.2 : Mr. Mohit Deshmukh.
...

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. Kanawade, learned counsel for the applicants/claimants and Mr. Mohit Deshmukh, learned counsel for respondent No.2/New India Assurance Company Limited. Perused the impugned judgment and award passed in MACP No.56 of 2004 dated 22nd April, 2013 by the Member, MACT, Kopergaon.

3 It is revealed during the course of argument that the Tribunal was pleased to determine the compensation at Rs.9,21,000/-. However, liability is fastened on both the insurance companies thereby directing this appellant to pay Rs.4,60,500/- to its share. Accordingly, the oriental insurance company has deposited that share with interest.

The appeal has been filed by the New India Assurance insurance company mainly on the ground of quantum and negligence.

4 It is further revealed during course of argument that another insurance company i.e. Oriental Insurance Company Limited has satisfied the award by paying its share of compensation.

5 Having regard to the submissions of the learned counsel for both the sides, facts of the case and looking to the grounds raised in the appeal memo, I am convinced to allow the claimants to withdraw 75% of the amount of compensation with interest, however, on furnishing undertaking. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed.
- II. The applicants/claimants are hereby permitted to withdraw 75% of the amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- III. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]