

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

925 CIVIL APPLICATION NO.7115 OF 2022
IN FA/2812/2021

KAILAS DATTA KATHORE AND OTHERS
VERSUS
TUSHAR TOURS AND TRAVELS,
THROUGH ITS PROPRIETOR, AURANGABAD AND OTHERS

...
Advocate for Applicants : Mr. Mohit R. Deshmukh.
Advocate for Respondent No.3: Mr. S. S. Patil.
...

CORAM : **SHRIKANT D. KULKARNI, J.**
DATE : 05th May, 2022.

P.C.:

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

2 Heard Mr. Deshmukh, learned counsel for the applicants/claimants and Mr. S. S. Patil, learned counsel for respondent No.3/Reliance General Insurance Company Limited. Perused the impugned judgment and award passed in MACP No.722 of 2015.

3 It was a death claim and the Tribunal was pleased to determine the compensation at Rs.13,77,200/-. The insurance company has challenged the impugned judgment and award mainly on the ground of quantum.

4 Having regard to the submissions made by the learned counsel for both the sides and looking to the challenge in the appeal, I am convinced to allow the claimants to withdraw 50% of the amount of compensation, which would meet the ends of justice. 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 on furnishing usual undertaking with the Registrar (Judicial) of this Court in equal proportion.
- III. Remaining 50% balance amount of compensation with accrued interest thereon shall be invested in fixed deposit account in any Nationalized Bank initially for a period of one year with renewal clause.
- IV. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]