

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

73 CIVIL APPLICATION NO.9225 OF 2022
IN FIRST APPEAL NO.4258 OF 2017

PALLAVI RAJESHWAR SHRINIWAR & OTHERS
VERSUS
THE ORIENTAL INSURANCE CO. LTD. & ANOTHER

...
Advocate for the applicants : Mr.S.S.Patil
Advocate for Respondent no.1 : Mr.U.S.Malte
...

CORAM : S.G.DIGE, J.
DATE : 18.07.2022

P.C. :

1] Heard the learned counsel for the applicants and respondent no.1.

2] The learned counsel for the applicants submits that respondent no. 1 has challenged the judgment and award passed by the learned Civil Judge Senior Division, Biloli, District Nanded and has deposited the amount of more than Rs.27,31,636/- along with interest on it. The deceased was the karta of the family. The applicants have not received single paisa of the compensation amount. The applicants are facing financial crisis. Applicant nos. 2 and 3

are the minors. The amount is required for their education. Applicant no.4 is mother of the deceased. She needs amount for her medical expenses, hence, requested to allow the applicants to withdraw the amount.

3] The learned counsel for respondent no.1 strongly objected to allow the application on the ground that the learned Tribunal has awarded exorbitant amount without any evidence. If the appellant succeeds in the appeal then it would be difficult for the applicants to recover the amount from the respondents.

4] I have heard both the learned counsel. Applicant no.1 is widow of deceased. Applicant nos. 2 and 3 are minor children and applicant no.4 is mother of deceased. The amount is needed to the applicants for their medical and education purpose. The deceased was the karta of family of the applicants. The issue raised by respondent no.1 can be considered at the time of final hearing but there is no dispute about the death of the deceased during accident and the compensation awarded to the applicants.

The quantum of the compensation can be decided at the time of final hearing, hence, I pass the following order :-

ORDER

i] The applicants are permitted to withdraw Rs.10 lacs out of deposited amount by giving undertaking and the applicants are also permitted to withdraw Rs.5 lacs by furnishing solvent surety to the satisfaction of the learned Registrar [Judicial] of this Court.

ii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**

DDC