

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

**CIVIL APPLICATION NO.11255 OF 2022 IN
FIRST APPEAL NO. 3151 OF 2021**

Alkabai Supdu Chavan & others

Applicants

Versus

Gopichand Nimba Mahajan & others

Respondents

Mr. D. D. Pande, advocate for the Applicants

Mr. P. D. Patil, advocate for Respondents No.1 to 3.

Mr. A. S. Kulkarni, advocate holding for Mr. A. G. Choudhari,
advocate for Respondent No.4.

CORAM : SANDIPKUMAR C. MORE J.

DATE : 08th September, 2022.

PC :

The applicants, who are the original claimants, are seeking withdrawal of entire amount along with interest deposited by Respondent No.4-Insurance Company, who has in fact filed this appeal.

The learned Counsel for Respondent No.4 – Insurance Company strongly opposed the application on the ground that fake policy was in fact relied upon by the claimants before the learned Tribunal.

However, the impugned judgment indicates that the learned Tribunal has passed “pay and recover” order against the

Insurance Company. In view of the same, 50% of the amount of compensation can be released at this juncture.

As such, the application is partly allowed and the applicants are allowed to withdraw 50% of the compensation amount under the award along with the interest accrued thereon till date. The said amount be paid to applicant no.1- Alkabai Supdu Chavan i.e. the widow of deceased on usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining 50% balance amount be invested in Fixed Deposit in any Nationalised Bank till the disposal of this appeal on yearly renewal basis.

Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb