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

23 CIVIL APPLICATION NO.13224 OF 2021
IN FA/2374/2020

UJWALA MURLIDHAR PATIL AND OTHERS
VERSUS
FUTURE GENERAL INDIA INSURANCE CO. LTD.,
THROUGH ITS MANAGER, AURANGABAD AND OTHERS

...
Advocate for Applicants : Mr. Madhav M. Bhokarikar.
Advocate for Respondent No.1 : Mr. S. S. Patil.
Advocate for Respondent No.3 : Mr. Dhananjay Deshpande. (Absent).
...

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

P.C.:

. Mr. Bhokarikar, learned counsel for applicants undertakes to remove office objections forthwith. His undertaking is accepted.

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

3 Heard Mr. M. M. Bhokarikar, learned counsel for the applicants and Mr. S. S. Patil, learned counsel for the respondent No.1/Future General India Insurance Company Limited. Mr. Deshpande, learned counsel for respondent No.3 remained absent when the matter is called out. None present for respondent Nos.2 and 4.

4 On perusing the impugned judgment and award passed in MACP No.190 of 2015, it is revealed that it was a head on collision between two vehicles resulting in death of husband of applicant No.1. The Tribunal has awarded compensation of Rs.22,81,000/- with interest at the rate of 7.5% from the date of petition till its realization. The appellant/Future General India Insurance Company Limited has challenged the impugned judgment and award passed by the Tribunal on various grounds and it is under scrutiny. There is no record to indicate whether another insurance company respondent No.3/New India Insurance Company Limited has preferred an appeal.

5 Applicant No.1 being widow of the deceased, is required to shoulder the responsibility of her family and look after her minor son/applicant, who is taking education. By considering all these aspects, I am convinced to allow the applicants to withdraw 50% of the amount deposited by the appellant/insurance company. Hence, the following order is passed:

ORDER

I. The application is hereby allowed.

II. The applicants are permitted to withdraw 50% of the amount of compensation with accrued interest thereon deposited by the appellant/Future General India

Insurance Company Limited on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

III. The remaining 50% balance amount shall be invested in fixed deposit account in any Nationalized Bank.

V. The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI, J.]

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