

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

**955 CIVIL APPLICATION NO.12773 OF 2022
IN FA/700/2019**

**JALINDAR LAXMAN KONGE AND ANOTHER
VERSUS
NATIONAL INSURANCE CO. LTD., THIR BRANCH MANAGER,
AHMEDNAGAR AND ANOTHER**

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Advocate for Applicants : Mr. Deshpande Ram B.
Advocate for Respondent No.1 : Mr. S.N.Pagare

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 12.10.2022

PER COURT :

Heard rival submissions. The applicants are seeking withdrawal of entire amount of Rs. 26,74,076/- along with accrued interest thereon till date. The learned counsel for the respondent -Insurance Company who, in fact, has filed this appeal, strongly opposed the application on the ground that already excessive compensation has been awarded. In the alternative, he submits that only 50% of the deposited amount be paid to the applicants.

2. However, the learned counsel for the applicants pointed out that the learned Tribunal did not apply proper multiplier which is of '18' to the age of deceased, who was 19 years old at the time of his accident.

3. On going through the judgment, it appears that the learned Tribunal has applied multiplier of '14' . As such, though the learned Tribunal has granted 100% future prospects, but applying the lesser multiplier the amount of compensation has certainly decreased.

4. As such, I am of the opinion that, the applicants can be permitted to withdraw of entire amount of compensation as deposited by the appellant -Insurance Company on usual undertaking. Hence following order is passed :

ORDER

- (i) Application is allowed and applicants are permitted to withdraw Rs. 26,74,076/- along with accrued interest thereon till date, by furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court stating that, if the appeal is decided in favour of Insurance Company, then they would re-deposit the amount.
- (ii) The aforesaid amount be paid to applicants in equal proportion.
- (iii) Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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