

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

909 CIVIL APPLICATION NO.2475 OF 2022
IN FAST/8041/2020

ASHABAI PARMESHWAR BHANGE AND OTHERS
VERSUS
UNITED INDIA INSURANCE CO. LTD., THROUGH ITS ADMINISTRATIVE
OFFICER, AURANGABAD AND OTHERS

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Advocate for Applicants : Mr. Sanjay V. Mundhe.

Advocate for Respondent No.1: Mr. Suraj R. Bagul.

Adv. for Respondent No.2: Mr. Parikshit S. Mantri, h/f Mr. Parag V. Barde.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 26th February, 2022.

P.C.:

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

2 Heard Mr. Mundhe, learned counsel for the applicants, Mr. Suraj Bagul, learned counsel for respondent No.1/ insurance company and Mr. Parikshit S. Mantri, holding for Mr. Parag Barde, learned counsel for respondent No.2.

3 Mr. Mundhe, learned counsel for applicants submitted that the claimants have lost their 17 years old son in road traffic accident. They are in need of money and urged to allow this application.

4 Mr. Suraj Bagul, learned counsel for respondent No.1/insurance company submitted that the insurance company has preferred the appeal mainly on two grounds; one, breach of terms and conditions of the insurance policy and second, exorbitant amount of compensation by miscalculating the terminology of future prospects. He, therefore, opposed to allow this application. Mr. Parikshit S. Mantri, holding for Mr. Parag Barde, learned counsel for respondent No.2 also argued on the same line and opposed to allow this application.

5 On perusing the impugned judgment, it is revealed that the claimants had lost their son, who is stated to be 18 years old at the time of death. The Tribunal has awarded the compensation of Rs.9,87,000/- with interest at the rate of 9% per annum. The appellant/ insurance company has deposited the entire amount of compensation with interest under the impugned award in this Court. By looking to the grounds raised by the appellant/insurance company and looking to the fact that the claimants have lost their son at the young age of 17 years, I am of the view that if claimants are allowed to withdraw 50% of the amount in deposit with interest, it would meet the ends of justice. The applicants have to furnish necessary undertaking with the Registrar (Judicial) of this Court as per the practice. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed.
- II. The applicants/claimants are permitted to withdraw 50% of the amount with accrued interest thereon deposited by the appellant/insurance company in this Court on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- III. Remaining 50% amount shall be invested in fixed deposit account in any nationalized bank initially for a period of one year with renewal clause.
- IV. Civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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