

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

918 CIVIL APPLICATION NO.13920 OF 2022  
IN FIRST APPEAL NO.782 OF 2022

ANITA W/O VITTHAL MAHANDULE & OTHERS  
VERSUS  
THE NATIONAL INSURANCE CO. LTD., AURANGABAD

...

Advocate for the applicants : Mr.S.E.Shekade  
Advocate for Respondent no.1 : Mr.S.V.Kulkarni  
Advocate for Respondent no.2 : Mr.N.G.Garud

...

**CORAM : S.G.DIGE, J.**

**DATE : 04.10.2022**

**P.C. :**

1] Heard the learned counsel for the applicants, the learned counsel for respondent no.1 and the learned counsel for respondent no.2.

2] The learned counsel for the applicants submits that the deceased was the Karta of the family of the applicants. After his death, the applicants have no source of income. Due to accidental death of the deceased, the applicants have become helpless. To maintain the family needs and day to day expenses, there is no amount with the applicants. Applicant nos.2 and 3 are the minors and are taking education and for said purpose also, the amount is required, hence, requested to allow the application.

3] The learned counsel for the respondents submits that exorbitant compensation is awarded by the Tribunal, which is challenged by respondent no.1 by way of appeal. If the applicants are permitted to withdraw the amount and respondent no.1 succeeds in the appeal, then it would be difficult for respondent no.1 to recover the amount, hence, requested to dismiss the application.

4] I have heard both learned counsel. The deceased was the karta of the family of the applicants. Applicant nos.2 and 3 are the minors. The amount is needed for daily expenses of the applicants' family and education of applicant nos.2 and 3. Hence, I pass the following order:-

### **ORDER**

i] The application is allowed.

ii] The applicants are permitted to withdraw 50% amount along with accrued interest thereon out of deposited amount on furnishing undertaking. Remaining 50% amount be kept in Fixed Deposit in any Nationalized Bank.

iii] Civil Application is disposed of accordingly.

iv] List the matter on 21<sup>st</sup> November, 2022.

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

DDC