IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14870 OF 2022 IN
FIRST APPEAL NO. 1470 OF 2022

Vidya Sandip Pimpale & others Applicants

Versus

Tata AIG General Insurance Co.Ltd.
and another Respondents

Mr. N. C. Garud, advocate for the Applicants
Mr. S. G. Chapalgaonkar, advocate for Respondent No.1.
Mr. S. N. Gaikwad, advocate for Respondent No.2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 25th November, 2022.

PC :

Heard rival submissions.

The applicants-original claimants are seeking withdrawal of amount of Rs.40,30,818/- along with interest accrued thereon till date.

The learned Counsel for the appellant-Insurance Company, who is present Respondent No.1, strongly opposed the application on the ground that the learned Tribunal has assessed the claim amount exorbitantly and by ignoring the fact that the part of income of the deceased is still available to the applicants-claimants. He pointed out that the learned Tribunal should have considered the income of the deceased only in respect of his managerial capacity.

However, it appears that the respondent-Insurance Company has not deposited entire amount of compensation, but only 50% of the same has been deposited along with the interest. Under such circumstances, the applicant no.1 is entitled for withdrawal of 30% from the aforesaid amount along with the proportionate interest accrued thereon till date and the applicants no. 4 and 5 are entitled for withdrawal of 10% each from the aforesaid amount along with the proportionate interest accrued thereon till date on usual undertaking before the Registrar (J) of this Court, mentioning that if the amount of compensation is reduced in the appeal, they shall re-deposit the excess amount of compensation in the Court.

Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb