

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

**918 CIVIL APPLICATION NO.13970 OF 2022
IN FA/3242/2021**

**MIRABAI MURLIDHAR RAYATE (JIRE) AND OTHERS
VERSUS
NATIONAL INSURANCE CO. LTD., SUBSIDIARY OF THE GENERAL
INSURANCE CO.LTD., AURANGABAD AND OTHERS**

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Advocate for Applicants : Mr. S. S.Khoche h/f.
Mr. Palodkar Devdatt P,
Mr. R. K. Kulkarni
Advocate for Respondent No.1 : Mr. Ajit R. Kadethankar
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06.10.2022

PER COURT :

Heard rival submissions. The applicants, who are the original claimants, are seeking withdrawal of entire amount of compensation of the impugned award which has been deposited by the present respondent No.1 – Insurance Company, who has, in fact, filed this appeal.

2. The learned counsel for the Insurance Company strongly opposed the application on the ground that the learned Tribunal did not consider the aspect of grant of family pension to the claimants, and therefore, wrongly calculated the loss of dependency. However, at this juncture, it would be appropriate to permit the applicants to

withdraw 75% of the deposited amount of compensation by reserving the balance amount of 25% to safeguard the interest of Insurance Company. Hence following order is passed :

ORDER

- (i) The applicants are permitted to withdraw 75% of the compensation amount along with the proportionate interest accrued thereon till date, by furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The remaining 25% compensation amount be invested in F.D.R. in any Nationalized Bank till final disposal of this appeal on yearly renewal basis.
- (ii) Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-