

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

13 CIVIL APPLICATION NO.6331 OF 2021
IN FAST/3049/2020

SNEHAL HEMANT CHAUDHARI AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS DIVISIONAL MANAGER,
AURANGABAD AND ORS

Mr M.M. Bhokarikar, Advocate for applicants
Mr A.S. Usmanpurkar, Advocate for respondent no.1
Mr A.J. Patil, Advocate for respondent no.2

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 25th April, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the applicants/claimants.
2. Heard Mr M.M. Bhokarikar, learned Advocate for applicants/original claimants and Mr A.S. Usmanpurkar, learned Advocate for respondent No.1/Insurance Company. Perused the impugned judgment and award passed in M.A.C.P. No.392 of 2016.
3. Mr A.S. Usmanpurkar, learned Advocate for respondent No.1/Insurance Company strongly opposed to allow this application. He submitted that the appeal has been preferred by the Insurance Company mainly on the ground that contributory negligence not considered by the tribunal and secondly, exorbitant compensation awarded by the tribunal. He submitted that the interest of the appellant/Insurance Company needs to be protected. Whereas Mr Bhokarikar, learned Advocate for applicants submits that it is a death claim and applicants are genuinely in need of money and

submits that the applicants/claimants may be permitted to withdraw the entire amount of compensation.

4. Having considered the submissions of both the sides, I am convinced to allow the applicants/claimants to withdraw 50% of the amount of compensation with accrued interest thereon, which would meet the ends of justice.

ORDER

(i) The application is hereby allowed.

(ii) The applicants/original claimants are permitted to withdraw 50% of amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court. The remaining 50% amount of compensation be kept in fixed deposit account in any Nationalised Bank initially for a period of one year with renewal clause.

(iii) Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)