

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

915 CIVIL APPLICATION NO.15125 OF 2022
IN FA/2966/2013 WITH CA/16540/2010 IN FA/2966/2013

RANJANABAI HARIBHAU KALE AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS REGIONAL
MANAGER, AURANGABAD

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Advocate for Applicants : Mr. Y. H. Jadhav h/f Mr. S. S. Barhate
Advocate for Respondent : Mr. Swapnil Dargad h/f
Mr. S. G. Chapalgaonkar

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 18/11/2022.**

P. C. :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of amount of Rs.10 lakhs from the amount of compensation on account of marriage of applicant No.3 Poonam.
3. The learned counsel for the respondent insurance company, who has filed this appeal, strongly opposed the application on the ground that the applicants – claimants have already withdrawn Rs.3,50,000/- as per the earlier order and therefore, considering the ground to challenge the impugned award on account of 100% negligence on the part of the deceased, further withdrawal is not permissible.
4. However, it seems that the learned Tribunal has granted total compensation of 11,29,500/- to all these applicants alongwith interest at the rate of 9% p.a. from the year, 2008. Further, it is evident that the present applicant No.3 Poonam was granted with

compensation of Rs.2,00,000/- out of the total compensation alongwith the future interest. The copy of invitation card, which is filed on record, indicates that marriage of Poonam is going to take place on 27/11/2022. This court at the time of earlier withdrawal had not given any amount to applicant No.3 Poonam since she was minor at the relevant time. In view of the same, I am of the opinion that only the applicant No.3 Poonam is entitled for withdrawal of amount of Rs.2,00,000/- that is the amount falling with her share alongwith interest accrued thereon till date at this juncture. Hence, following order is allowed.

ORDER

- 1) Application is partly allowed and only the applicant No.3 Poonam is allowed to withdraw amount of compensation of Rs.2,00,000/- alongwith accrued interest thereon till date.
- 2) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)