

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

912 CIVIL APPLICATION NO.12527 OF 2021
IN FA/1503/2021

ALKA VILAS LAD AND ORS
VERSUS
M/S. SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS MANAGER
(LEGAL) AND ORS

Mr V.G. Kodale, Advocate holding for Mr V.D. Gunale, Advocate for
applicants

Mr V.N. Upadhye, Advocate for respondent no.1

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 19th April, 2022

PER COURT :

1. It is an application for withdrawal of amount moved by the applicants/original claimants.
2. Heard Mr V.G. Kodale holding for Mr V.D. Gunale, learned Advocate for applicants/claimants and Mr V.N. Upadhye, learned Advocate for respondent no.1/Insurance Company. Perused the impugned judgment and award passed by the Member, M.A.C.T., Latur.
3. It is revealed during course of argument that it was a head on collision. The deceased was driving four wheeler. He succumbed to the injuries. The tribunal has awarded compensation of Rs.20,80,000/- on account of death of deceased who was a businessman.
4. Mr V.N. Upadhye, learned Advocate for respondent no.1/Insurance Company submitted that the Insurance Company has filed the appeal in all on three grounds (i) six days delay in filing the F.I.R., (ii) case of contributory negligence and (iii) improper driving licence of the deceased and other grounds. He, therefore opposed to allow this application.

5. On the other hand, learned Advocate for applicants submitted that the family of the deceased have lost the earning member of the family and urged to allow the applicants/original claimants to withdraw the entire amount of compensation.

6. Having considered the submissions of both the sides and looking to the fact that the family of the deceased have lost the earning member of the family, it is necessary to allow the applicants/original claimants to withdraw 50% of the amount of compensation, which would meet the justice.

ORDER

(i) The application is hereby allowed.

(ii) The applicants are permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.

(iii) Remaining 50% of the amount of compensation shall be invested in any nationalised Bank initially for a period of one year with renewal clause.

(iv) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)