

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

18 CIVIL APPLICATION NO.12870 OF 2021
IN FA/3114/2021

LAXMI NARAYAN KADAM AND ORS
VERSUS
IFFCO TOKIO GENERAL INSURANCE CO. LTD., THR THR BRANCH
MANAGER, AURANGABAD AND ORS

...
Advocate for Applicants : Mr. Sable Bhagwan R.
Advocate for Respondent No.1 : Mr. S.G. Chapalgaonkar
....

CORAM : S. G. DIGE, J.
DATE : 13.06.2022

PER COURT :-

Heard learned counsel for the applicants and respondent No.1.

2. Learned counsel for the applicants submits that the learned member MACT Court Majalgaon district Beed has passed order and directed to pay compensation amount of Rs. 5,65,000/- along with interest thereon. The said amount is deposited by the appellant in this Court, while filing the appeal as per order of this Court. The said amount is now become Rs. 7,98,652/-. The applicant is widow of deceased Narayan Kadam wheres applicant Nos. 2 to 4 are the children of deceased Naran. The applicants have raised loan amount from private persons for education purpose and to satisfy domestic

expenses as well as medical treatment. The applicant No.2 to 4 are at the verge of getting marriage and settling their occupation for their livelihood. Hence the applicant are in dire need of monetary help. Hence learned counsel submits that applicant be permitted to withdraw the entire amount deposited by respondent No.1 along with the accrued interest thereon.

3. Learned counsel for respondent No.1 submits that there is contributory negligence of deceased, the deceased ramed his car to the stationed tractor but this fact was not considered by the learned MACT Court. Hence at this stage permission cannot be given to withdraw the amount.

4. Heard both the learned counsel, considering the submissions of both learned counsel, in my view. applicants can be permitted to withdraw the 50% of the deposited amount with undertaking. Hence I pass the following order.

ORDER

- (i) Civil Application is allowed.
- (ii) Applicants are permitted to withdraw 50% of the deposited amount in proportion to the award passed by the learned MACT Court on usual undertaking before the Registrar (Judicial).

(iii) The Civil Application stands disposed of.

(S.G. DIGE, J)
JUDGE

ysk