

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

14 CIVIL APPLICATION NO.12677 OF 2019
IN FA/378/2019

MANGAL DIGAMBAR THORAT AND OTHERS
VERSUS
THE MANAGER TATA AIG GENERAL INSURANCE CO. LTD., AND
ANOTHER

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Advocate for Applicants : Mr. Pravin S. Dighe.

Advocate for Respondent No.1: Mr. S. S. Patil.

Advocate for Respondent No.2: Mr. Y. H. Lagad, h/f Mr. R. R. Karpe.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 21st March, 2022.

P.C.:

. It is an application for withdrawal of compensation amount moved by the applicants/original claimants.

2 Heard Mr. Dighe, learned counsel for the applicants/claimants, Mr. S. S. Patil, learned counsel for respondent No.1/insurance company and Mr. Y. H. Lagad, holding for Mr. R. R. Karpe, learned counsel for respondent No.2.

3 Perused the impugned judgment and award passed in MACP No.207 of 2015. It is a death claim. The Tribunal was pleased to award compensation of Rs.9,10,000/- with interest at the rate of 9% per annum. The appellant/insurance company has deposited Rs.11,66,934/- in this Court including interest. Digambar Thorat who

happened to be husband of applicant No.1 met with motor vehicle accident and succumbed to injuries.

4 Having considered the defence raised by the insurance company and the fact of the case, I am convinced to allow the applicants/claimants to withdraw 75% amount of compensation with interest, which would meet ends of justice. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed as under:
- II. The applicants are permitted to withdraw 50% of the amount of compensation with interest on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- III. The applicants are further permitted to withdraw 25% of the amount of compensation on furnishing solvent surety/surety to satisfaction of the Registrar (Judicial) of this Court.
- IV. The civil application is disposed of accordingly.

[SHRIKANT D. KULKARNI, J.]