

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

921 CIVIL APPLICATION NO.3692 OF 2022
IN FA/880/2021

MANGAL GOVIND SHELKE AND ORS
VERSUS
BHANUDAS EKNATH SHELKE AND ORS

Ms Savita P. Kakade (Matkar), Advocate for applicants
Mr A.B. Kadethankar, Advocate for respondent no.3

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 6th April, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the applicants/original claimants.
2. Heard Ms Savita Kakade, learned Advocate for applicants and Mr A.B. Kadethankar, learned Advocate for respondent no.3/Insurance Company.
3. Ms Savita Kakade, learned Advocate for applicants/claimants invited my attention to the impugned judgment and award passed in M.A.C.P.No.528 of 2015 dated 9.6.2020. She submitted that it is a death claim. The deceased was running hair cutting saloon in addition to agriculture. The family of the claimants have lost the earning member. They are in need of money and urged to allow them to withdraw the entire amount of compensation.
4. Mr A.B. Kadethankar, learned Advocate for respondent no.3/Insurance Company strongly opposed to allow this application for withdrawal of amount mainly on two grounds (i) non-involvement of the vehicle and (ii) exorbitant amount of compensation assessed by the tribunal by adding agricultural income.

5. Having considered the submissions made by both the sides and looking to the fact that the family of the claimants has lost the earning member of the family, it would be just and proper to allow the applicants/original claimants to withdraw 50% of amount of compensation. However, on furnishing solvent surety/security which could protect the interest of the appellant/Insurance Company.

ORDER

- (i) The Civil Application is hereby allowed.
- (ii) The applicants/original claimants are hereby permitted to withdraw 50% of amount of compensation with accrued interest thereon on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court.
- (iii) Remaining 50% amount of compensation be invested in fixed deposit in any Nationalised Bank for a period of one year with renewal clause.
- (iv) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)