

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

**CIVIL APPLICATION NO. 5185 OF 2023 IN
FIRST APPEAL ST. NO. 472 OF 2017**

Sharifabee (Sharifa) Amjad
Pathan & another

Applicants

Versus

Gorakhnath Hussaini Khetre
and others

Respondents

Mr. Ajinkya Reddy, advocate for the Applicants
Mr. V. N. Upadhye, advocate for Respondent No.2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 26th June, 2023.

PC :

Heard rival submissions.

The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-Insurance Company.

The learned Counsel for the appellant-Insurance Company strongly opposed the application on the ground that the Tribunal granted exorbitant amount under the head of love and affection.

It appears that the Tribunal has granted amount of Rs.One lakh each to the applicants-parents, which is not permissible in view of the current observations of the Hon'ble Apex Court in the case of **Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram and others**, (2018) 18 SCC 130.

In view of the same, the applicants herein are permitted to withdraw only amount of Rs.3,50,000/- (Rs. Three lakhs fifty thousand) along with proportionate interest accrued thereon till date. The said amount be distributed equally between the applicants by furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining amount be invested in FDR, in any Nationalised Bank, on yearly renewal basis, till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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

**CIVIL APPLICATION NO. 2476 OF 2017 IN
FIRST APPEAL ST. NO. 472 OF 2017**

Shriram General Insurance
Co. Ltd.

Applicant

Versus

Sharifabee (Sharifa) Amjad
Pathan & others

Respondents

Mr. V. N. Upadhye, advocate for the applicant.
Mr. Ajinkya Reddy, advocate for Respondents No.1 & 2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 26th June, 2023.

PC :

The learned Counsel for the applicant-Insurance Company seeks leave to delete Respondents No.3 & 4, who are the driver and owner of the offending vehicle and not necessary parties.

Since the appeal is filed only on the ground of quantum, the permission to delete names of Respondents No.3 and 4 is granted at the risk of appellant-Insurance Company. The deletion be carried out forthwith.

The applicant-Insurance Company is seeking condonation of delay of only 79 days.

Considering the short period of the delay, it stands condoned.

Appeal be placed for admission after removal of office objections, if any.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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