

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

**919 CIVIL APPLICATION NO.4343 OF 2023
IN FA/248/2023 WITH CA/717/2023 IN FA/248/2023**

**USHA NARAYAN EKHANDE
VERSUS
RELIANCE GENERAL INSURANCE CO LTD**

...
Advocate for Applicants : Mr. G. R. Vaidya
Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar

....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 19/08/2023.**

P. C. :

A) ORDER IN C.A. NO.4343 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the insurance company alongwith the interest accrued thereon.
3. The learned counsel for the insurance company strongly opposed the application on the ground that the learned Tribunal has granted exorbitant amount of compensation and that too by ignoring the negligence of motorcycle rider. He pointed out that the learned tribunal in other claim petition arising out of the same accident, has observed that the motorcycle rider was negligent and dismissed that claim.
4. However, the deceased in this matter was not the motorcycle rider. Further, the applicant Nos.2 & 3 are still minor and therefore, the compensation falling to their share cannot be released until they attain majority. Further, the applicant No.5 is

no more. In view of the same and considering the compensation granted by the learned Tribunal, only the applicant Nos.1 & 4 are permitted to withdraw the amounts of compensation falling to their respective shares as determined by the learned tribunal alongwith the interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

B) ORDER IN C.A. NO.717 OF 2023 :

Since the appellant – insurance company has deposited amount of compensation as directed by this court, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)