

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4964 OF 2023
IN FIRST APPEAL NO. 3828 OF 2022

BALIKA SOMNATH BELURE AND OTHERS
VERSUS
NARSING MANIKRAO RATHOD AND OTHERS

...
Mr. P.G. Patil – Advocate for Applicants
Mr. M.R. Deshmukh – Advocate for Respondent No.3
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 17th April, 2023

PER COURT :

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 opposed the application on the ground that, the learned Tribunal has granted exorbitant amount of compensation and that the deceased himself had given dash from backside to the offending vehicle, which was parked on the road.

4. However, applicant Nos.2 and 3 are minors and therefore considering the compensation granted by the learned Tribunal, only the applicant Nos.1 and 4 are permitted to withdraw amounts of falling to their respective share as determined by the learned Tribunal alongwith the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amounts falling to the shares of applicant Nos.2 and 3 be kept in F.D.R. in any nationalized Bank on yearly renewal basis till disposal of this appeal.

6. The civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE