

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2389 OF 2023
IN FIRST APPEAL NO. 82 OF 2017

SITABAI RAMKISAN BAGLANE AND OTHERS
VERSUS
ROSHAN DEEPAK JAWALE AND OTHERS

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Mr. G.S. Rane – Advocate for Applicants

Mr. M.P. Gandle – Advocate for Respondent Nos.1 and 2

Mr. M.R. Deshmukh – Advocate for Respondent No.3

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 10th April, 2023

PER COURT :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of remaining amount of compensation alongwith the interest accrued thereon.
3. The learned counsel for respondent No. 3 – Insurance Company strongly opposed the application on the ground that, there was no involvement alleged in the accident of offending motorcycle and that the Tribunal had granted excessive

compensation.

4. However, this Court while earlier order dated 10th January, 2018 has already granted withdrawal of 50% amount of compensation to the present applicants despite the objection raised by the learned counsel for the Insurance Company in respect of involvement of the motorcycle. The owner and driver of said motorcycle while their written statement have admitted the involvement of said motorcycle in the accident. Further, the Investigating Officer examined by the claimants has also stated about the said involvement. The learned counsel for the applicants submits that, one of the daughter of applicants has already got married and therefore, the applicants are in dire need of money to repay the hand-loan amounts taken for her marriage.

5. In view of the same, the applicants are permitted to withdraw 25% of the balance amount of compensation alongwith the proportionate accrued interest thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. The remaining amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

7. The civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

Pooja K.