

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

944 CIVIL APPLICATION NO.3090 OF 2023
IN FA/415/2023 WITH CA/15588/2022 IN FA/415/2023

ASHOK MARUTI BHINGARDIVE
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS
BRANCH MANAGER

...
Advocate for Applicant : Mr. U. U. Wagh
Advocate for Respondent : Mr. S. R. Bodade
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 29/03/2023.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO.3090 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 opposed the application on the ground that the learned Tribunal has granted exorbitant amount of compensation.
4. However, the learned counsel for the claimants pointed out that no amount in respect of future prospect is granted by learned Tribunal. It appears that though the learned Tribunal did not deduct one half amount considering that the deceased was bachelor, but nothing is granted as future prospects. In view of the same and considering the compensation granted by the learned Tribunal, the applicants are permitted to withdraw 80% of the

deposited amount of compensation alongwith the proportionate interest accrued thereon till date in equal proportion as apportioned by the learned Tribunal, 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 CIVIL APPLICATION NO.15588 OF 2022 :

Since the appellant - insurance company has deposited entire amount of compensation, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)