

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

918 CIVIL APPLICATION NO.5246 OF 2023
IN FAST/3105/2018 WITH CA/2679/2018 IN FAST/3105/2018 WITH
CA/2680/2018 IN FAST/3105/2018

KANHU PATILBA GAWALI AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER AURANGABAD AND OTHERS

...
Advocate for Applicants : Mr. D.G. Nagode
Advocate for Respondent 1 : Mr. Swapnil Dargad h/f. Mr. M.R. Deshmukh
Advocate for Respondent 5 : Mr. M.M. Ambhore
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CORAM : ARUN R. PEDNEKER, J.
DATED : 11/07/2023

PER COURT :

1. Heard the learned counsel for the parties.
2. The learned counsel appearing for Insurance Company submitted that under the head of non-pecuniary damages, the Tribunal has awarded excess compensation of Rs. 7,25,000/- to the appellant out of total compensation of Rs.11,57,000/-. The amount of Rs.2,00,000/- has already been paid to the appellants by order of this Court dated 29.11.2018.
3. The applicants are permitted to withdraw amount of Rs.2,00,000/- along with accrued interest on the said amount. Remaining compensation amount shall be invested in the fixed deposit till further orders. Registry to transmit the amount of Rs.2,00,000/- to the Motor Accident Claims Tribunal, Ahmednagar for disbursement. Applicant No. 3 to give undertaking on behalf of other applicants that in the event any adverse order is passed, they would deposit the withdrawn amount in the Court within eight weeks from the date of the order. The Civil Application is disposed of accordingly.

[ARUN R. PEDNEKER J.]

ssc/