

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6583 OF 2021
IN FIRST APPEAL NO. 1612 OF 2020

SUSHILABAI NAMDEO LASHKAR AND OTHERS
VERSUS
NEW INDIA ASSURANCE COMPANY LTD THR ITS DIVISION
MANAGER AURANGABAD AND ANOTHER

...
Mr. R.V. Gore – Advocate for Applicants
Mr. S.S. Rathi – Advocate for Respondent No.1
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 31st March, 2023

PER COURT :

1. Heard.
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 despite deceased be a bachelor 1/3rd deduction is made instead of

1/2. He also raised objection on the ground of non-involvement of alleged offending vehicle in the accident.

4. However, no such plea of non-involvement appears to be raised before the learned Tribunal. Moreover, applicant no.5 is minor at present and the respective marriages of respondent nos.3 and 4 are yet to be taken place.

5. In view of the same, and considering the compensation granted by the learned Tribunal, only the applicant nos.1 and 2, who are the parents of the deceased, are permitted to withdraw amounts of compensation falling to their shares alongwith the proportionate interest accrued thereon till date on 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 until further orders.

7. The applicant nos.3 and 4 will be at liberty to file fresh withdrawal application as and when their respective marriages

will be arranged. Likewise the applicant no.5 is also liberty to claim the withdrawal on attending majority.

8. The Civil Application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

Pooja Kale