

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4940 OF 2023
IN
FIRST APPEAL [ST] NO. 33150 OF 2022

Seema Sopanrao Tarwate & Ors. ... Applicants
Versus
Gangadhar Vaijanath Kalbande & Ors. ... Respondents

...
Mr. P. C. Mayure – Advocate for applicants
Mr. S. K. Adkine – Advocate for respondent no. 1
Mr. A. S. Usmanpurkar – Advocate for respondent no. 2
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 12TH APRIL, 2023

PER COURT :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation along with interest accrued thereon, which has been deposited by the respondent - Insurance Company.
3. The learned Counsel for the Insurance Company strongly opposed the application on the ground that the learned Tribunal has granted exorbitant amount of compensation by holding the notional income of the deceased to the tune of Rs. 12,000/- per month. The

ground of breach of policy condition has also been raised. Therefore, considering the quantum of compensation granted by the learned Tribunal, the applicant nos. 1, 3 and 4 only are permitted to withdraw 50% of the deposited amount as per the apportionment made by the learned Tribunal excluding the share of applicant no. 2, who is still minor, along with the proportionate interest thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

4. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

5. The civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE