

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

49 CIVIL APPLICATION NO.5797 OF 2023
IN FA/715/2023

RAMESHWARI MAHADEO KHARMURE AND ORS
VERSUS
THE ORIENTAL INSURANCE CO.LTD THROUGH ITS BRANCH MANAGER AND
ORS

...
Advocate for Applicants : Mr. S.B. Choudhari
AGP for Respondent 1 : Mr. D.P. Deshpande
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 28/08/2023

PER COURT :

1. The present appeal is filed by the Insurance Company, challenging the order passed by the Tribunal, granting compensation to the claimants, which is as under :-

- "1] The petition is partly allowed with costs.
- 2] The Opponents do pay jointly or severally Rs.75,87,720/- (**Rs. Seventy Five Lakhs Eighty Seven Thousand Seven Hundred Twenty Rupees only**) to the claimants inclusive of amount of 'no fault liability', with interest at the rate of 7% per annum from the date of petition, till the date of depositing of the said amount, in the account of – District Judge And Member MACT, Osmanabad i.e. Current Account No. 40460537496 in State Bank of India, District Court Branch, Osmanabad, I.F.S.C. CODE No. SBIN0020039.
- 3] Out of the total amount of compensation Rs.45,87,720/- (Rs. Forty Five Lakhs Eighty Seven Thousand Seven Hundred Twenty only) be given to the claimant no. 1 and Rs.10,00,000/- (Rs. Ten Lakh) be given to the each claimant Nos. 2 to 4.
- 4] Out of the amount of compensation given to claimant No.1, Rs.10,00,000/- (Rs. Ten Lakhs) be invested in fix deposit for the period of **Five years**, on her name, in any nationalized bank as per her choice.

- 5] Amount of compensation given to claimant no. 2 i.e. Rs. 10,00,000/- (Rs. Ten Lakh) be invested in fix deposit for the period of **Three years**, on her name, in any nationalized bank, as per choice of claimant No. 1.
- 6] Amount of compensation given to claimant Nos. 3 and 4 be invested in fix deposit till they attained the age of majority, on their names, in any nationalized bank as per choice of claimant no.1.
- 7] The remaining amount be deposited by Account Payee Cheque in the Bank Account of the claimant no.1.
- 8] The Branch Manager of concerned bank is directed to pay the amount of fix deposit with interest to concern claimants after its maturity without asking further order of this Tribunal for its realization.
- 9] The claimants are directed to pay the deficit court fees stamp of Rs.7500/- with interest @ 7% per annum from 16/3/2019 to till depositing deficit court fees.
- 10] After depositing deficit Court fees, the award be drawn up, accordingly."

2. In the first appeal, the entire amount under the award is deposited by the Insurance Company in this Court. The claimants have moved an application for withdrawal of amount. The appeal is filed by the Insurance Company on the ground of self negligence, so also on the ground of total compensation granted.

3. In view of the above, 50% amount deposited in this Court be released in favour of the applicants on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Remaining amount be kept in fixed deposit on yearly basis.

4. The application for withdrawal of amount is disposed of accordingly.

[ARUN R. PEDNEKER J.]

ssc/