

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

**929 CIVIL APPLICATION NO.4998 OF 2023
IN FA/609/2019**

**TUKARAM MADHAV WAKCHAURE AND OTHERS
VERSUS
BRANCH MANAGER, NEW INDIA INSURANCE CO.
LTD.,SANGAMNER AND ANOTHER**

...
Mr. K.N. Shermale, Advocate for the applicants.
Mr. A.B. Jagtap, Advocate for respondent No.2.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 08.06.2023.

ORDER:-

1. Heard rival submissions.
2. Respondent No.1 - Insurance Company, despite service of notice through Court motion, remained absent.
3. The applicants are seeking withdrawal of entire amount of compensation alongwith the interest accrued thereon, which has been deposited by respondent No.1 - Insurance Company.
3. Learned counsel for respondent No.2 strongly opposed the application on the ground that this Court had already granted withdrawal of substantial amount under earlier order dated 5th February 2019.
4. It appears that in all amount of Rs. 24,22,616/- was granted as compensation to the applicants. However, the applicant Nos.2 and 3 are still minor. Despite of the said fact, this Court had

allowed withdrawal of amount of Rs. 7,11,308/- to applicant No.1 for himself and applicant Nos.2 and 3 since the learned Tribunal had already ordered to keep the amount of Rs. 5,00,000/- each granted to the applicant Nos.2 and 3 in F.D.R. till they attain majority.

5. Now the applicant Nos.2 and 3 need certain financial assistance for their education whereas applicant No.1 also needs certain amount in his old age. It appears that the interest of applicant Nos.2 and 3 has already been safeguarded by the Tribunal by keeping amount of Rs. 5,00,000/- each from their share in the F.D.R. In view of the same, applicant No.1 is now permitted to withdraw amount of Rs. 7,11,308/- alongwith the proportionate interest accrued thereon till date for himself and on behalf of applicant Nos.2 and 3, on usual undertaking to the satisfaction of the Registrar (Judicial) of this court. He shall maintain the account in respect of the amounts spent on education of applicant Nos.2 and 3.

6. The remaining amount falling to the shares of applicant Nos.2 and 3 is continued to be deposited in FDR in any nationalized Bank on yearly renewal basis till they attain majority.

7. The civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)