

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

934 CIVIL APPLICATION NO. 7172 OF 2023
IN FIRST APPEAL (ST) NO. 34930 OF 2022

AARTI MUKUND GAIKWAD AND OTHERS
VERSUS
RELIANCE GENERAL INSURANCE CO LTD AND OTHERS

...
Mr. S.A. Deshpande – Advocate for Applicants
Mr.S.S.Patil h/f. Mr.R.H. Dahat– Advocate for Respondent No.1

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 16th June, 2023

PER COURT :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the appellant – Insurance Company alongwith the interest accrued thereon.
3. The learned Counsel for the appellant – Insurance Company strongly opposed the application on the ground that, the learned Tribunal has ignored the aspect of contributory negligence of the deceased in the accident and that exorbitant compensation has been granted.

4. It is to be noted here that, since the applicant No.2 is still minor, his amount of compensation cannot be released till he attains majority. Considering the submissions of learned Counsel for the appellant – Insurance Company the applicant Nos.1 and 3 are only permitted to withdraw 50% from the compensation amount from their respective shares as determined by the learned Tribunal alongwith the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

5. The remaining amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. Respondent No.2 will be at liberty to file withdrawal application in respect of compensation to the extent of his share after attaining the majority.

7. Civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE, J.]