

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

924 CIVIL APPLICATION NO.7209 OF 2023
IN FA/1503/2023

REHANA SALIM JEWALE AND ORS
VERSUS
DEEPAK VAISHAKH RODGE AND ANR

...
Advocate for Applicants : Mr. D. A. Mane h/f Mr. N. G. Talekar
Advocate for Respondent No.2 : Mr. R. F. Totala
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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 28/06/2023.**

P. C. :

1. Heard rival submissions.
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 strongly opposed the application on the ground that the learned Tribunal has observed that there was involvement of one Tempo in the accident besides the two motorcycles. He also submits that the learned Tribunal has granted exorbitant amount of compensation by considering the income of the deceased to the tune of Rs.10,000/- per month without any satisfactory evidence.
4. However, it seems that the learned Tribunal has mentioned the Tempo Trax only by typographical mistake. The case of claimants since beginning is that there was an accident between two motorcycles. Moreover, the applicant Nos.2 & 3 are still minor and therefore, there is no question of releasing their shares from the compensation.

5. In view of the same, only the applicant Nos.1, 4 & 5 are permitted to withdraw their entire respective shares as determined by the learned Tribunal at this juncture alongwith the proportionate interest thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.
6. The remaining amount of minor applicant Nos.2 &3 be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.
7. The civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)