

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

**CIVIL APPLICATION NO. 8596 OF 2023 IN
FIRST APPEAL ST. NO. 5200 OF 2023**

Shrimati Sonali Pokle & others

Applicants

Versus

National Insurance Company Ltd.
and others

Respondents

Mr. N. C. Garud, advocate for the Applicants

Mr. A. S. Usmanpurkar, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 13th July, 2023.

PC :

Heard rival submissions.

The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-Insurance Company.

The learned Counsel for the appellant-Insurance Company strongly opposed the application on the ground that without there being any evidence on record, the learned Tribunal determined monthly income of the deceased to the tune of Rs.30,000/- only by relying upon the Shop Act License and Driving License. He also pointed out that there was breach of policy

condition. It is significant to note that the applicants no.2 and 3 are still minors and, therefore, their amount of compensation cannot be released till they attain majority.

Under such circumstances, only applicants no.1, 4 and 5 are permitted to withdraw 50% amount of compensation from their respective shares, as determined by the learned Tribunal along with proportionate interest accrued thereon by furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining amount be invested in FDR, in any Nationalised Bank, on yearly renewal basis, till final disposal of this appeal.

The direction of learned Tribunal for withdrawing the interest amount on the shares of minor applicants no.2 and 3 for their well being, by applicant no.1, is continued as it is.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 2027 OF 2023 IN
FIRST APPEAL ST. NO. 5200 OF 2023**

National Insurance Co. Ltd.

Applicant

Versus

Smt. Sonali Mohan Pokle & others

Respondents

Mr. A. S. Usmanpurkar, advocate for the Applicant

Mr. N. C. Garud, advocate for Respondents.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 13th July, 2023.

PC :

The applicant-Insurance Company is seeking
condonation of delay of only 45 days.

Considering the short period of the delay, it stands
condoned.

Appeal be placed for admission after removal of office
objections, if any.

Civil Application is disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb

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

**CIVIL APPLICATION NO. 2028 OF 2023 IN
FIRST APPEAL ST. NO. 5200 OF 2023**

National Insurance Co. Ltd.

Applicant

Versus

Smt. Sonali Mohan Pokle & others

Respondents

Mr. A. S. Usmanpurkar, advocate for the Applicant

Mr. N. C. Garud, advocate for Respondents.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 13th July, 2023.

PC :

Since the appellant-Insurance Company has deposited entire amount of compensation along with interest, the application is made absolute in terms of prayer clause {B} and disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb