

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

918 CIVIL APPLICATION NO.8598 OF 2023
IN FAST/33826/2022 WITH CA/401/2023 IN FAST/33826/2022

DEEPAK RAMRAO SALVE AND ORS
VERSUS
NEW INDIA ASSURANCE COMPANY LTD AND ORS

...

Advocate for Applicants : Mr. Prasanna Diliprao Dadpe
Adv. for Respondent No.1: Mr. A.B. Kadethankar.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 13TH JULY, 2023

ORDER :-

By this application, the applicants are seeking withdrawal of the amount deposited by the respondent Insurance company in pursuance of the award passed by the MACT, Beed.

Mr. Dadpe, learned counsel for the applicant submits that the deceased was working as a nurse. The claimants were dependent on her income. The Tribunal, after considering the various aspects of the matter has passed the just and proper award. He submits that the appeal is filed only on the ground of quantum and no special ground is raised in the appeal.

Mr. Kadethankar, learned counsel for the respondent Insurance company, however, submits that the claimants may be permitted to withdraw some amount. However, there are arguable grounds which require consideration.

Considering the submissions advanced, and the fact that there are two minors, it would be appropriate to permit the applicants to withdraw the amount as under :-

The applicants are permitted to withdraw 75% of the amount deposited by the appellant insurance company subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial). The withdrawal of the amount shall be subject to the order regarding investment made by the Tribunal in the impugned order under clause IV. Rest of the 25 % amount be kept in Fixed Deposit with renewal clause.

Civil application is disposed of.

IN APPEAL :

Mr. Kadethankar submits that he shall take steps against the unserved respondents. At his request stand over to 10th August, 2023.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-