

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

**CIVIL APPLICATION NO. 56 OF 2023 IN
FIRST APPEAL ST. NO. 25349 OF 2022**

Huma Kausar Mohammad Ali
Khatik & others

Applicants

Versus

The Oriental Insurance Co. Ltd.
and another

Respondents

Mr. P. C. Mayure, advocate for the Applicants
Mr. D. P. Deshpande, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 04th January, 2023.

PC :

Heard rival submissions.

The applicants are seeking permission to withdraw 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 the learned Tribunal, by ignoring earning of the deceased, assumed his income four times more and assessed the

compensation amount.

On the contrary, learned Counsel for the applicants opposed such submission and pointed out that the learned Tribunal, by relying on the observations of the Hon'ble Apex Court, has correctly calculated the amount of compensation.

Be that as it may. Out of the applicants, applicants no.2 and 3 are still minors and they are roughly granted with 2/3rd of the compensation amount. Under such circumstances, only applicant no.1 can be permitted to withdraw compensation amount falling to her share along with proportionate interest.

In view of the same, applicant no.1 is only permitted to withdraw an amount of Rs.15,01,000/- (Rs. Fifteen lakhs One thousand) along with proportionate interest accrued thereon till date, by furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The remaining amount, falling to the share of applicants no.2 and 3, be kept in FDR in any Nationalised Bank on yearly renewal basis till final disposal of this appeal. Applicants

no.2 and 3, on attaining majority, will be at liberty to seek withdrawal of the amount on showing sufficient cause.

Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 13367 OF 2022 IN
FIRST APPEAL ST. NO. 25349 OF 2022**

The Oriental Insurance Co. Ltd.

Applicant

Versus

Huma Kausar Mohammad Ali
Khatik & others

Respondents

Mr. D. P. Deshpande, advocate for the Applicant
Mr. P. C. Mayure, advocate for Respondents No.1 to 3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 04th January, 2023.

PC :

Since the appellant-Insurance Company has deposited entire amount of compensation along with interest in this Court, Civil Application is made absolute in terms of prayer clause “B” and is disposed of.

Call Record & Proceedings.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb