

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

936 CIVIL APPLICATION NO.874 OF 2023
IN FA/2809/2022 WITH CA/13859/2022 IN FA/2809/2022

TIKARAM BHAGWAN CHAVAN AND OTHERS
VERSUS
NEW INDIA ASSURANCE COMPANY LTD AND OTHERS

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Advocate for Applicants : Mr. A. S. Gandhi
Advocate for Respondent No.1 : Mr. S. V. Kulkarni

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 23/03/2023.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO.874 OF 2023 :

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 insurance company opposed the application on the ground that there was breach of policy condition and the learned Tribunal has granted excessive amount of compensation by holding the income of deceased to the tune of Rs.10,000/- per month without any supporting documentary evidence.
4. Considering the grounds raised by the appellant – insurance company for challenging the impugned award, the applicant Nos.1 & 2 at present are only permitted to withdraw their shares from the amount of compensation as determined by the learned Tribunal

alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. The remaining amount falling to the shares of applicant Nos.3 to 5 be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The said applicants will be at liberty to claim withdrawal of the aforesaid amount only after attaining majority.

7. The civil application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.13859 OF 2022 :

Since the appellant – insurance company has deposited the entire amount of compensation, the application is made absolute, in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)