

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

924 CIVIL APPLICATION NO. 6910 OF 2023
IN FIRST APPEAL (ST) NO. 27047 OF 2022
WITH CA/14597/2022 IN FAST/27047/2022
WITH CA/14598/2022 IN FAST/27047/2022

RAVINDRA PUNAJI INGLE AND OTHERS
VERSUS
SBI GENERAL INSURANCE COMPANY LTD

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Mr. A.P. Basarkar – Advocate for Applicant
Mr. S.S. Patil h/f. Mr. R.H. Dahat – Advocate for Respondent
No.1

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 9th June, 2023

PER COURT :

CIVIL APPLICATION NO. 6910 OF 2023

1. Heard rival submissions.
2. The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the Insurance Company alongwith the interest accrued thereon.
3. Learned Counsel for Insurance Company opposed the application on the ground that, the learned Tribunal did not consider the aspect of contributory negligence. Moreover,

despite the deceased being bachelor deduction was made only to the extent of $1/3^{\text{rd}}$ instead of $1/2$.

4. However, it appears that applicant Nos.3 and 4 are still minors and, therefore, their amounts of compensation as determined by the learned Tribunal cannot be released unless they attain majority.

5. In view of the same and considering the compensation granted by the learned Tribunal, applicant Nos.1, 2 and 5 are permitted to withdraw 50% of their amounts of compensation alongwith the proportionate interest accrued thereon till date as determined by the learned Tribunal on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. The remaining amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till disposal of this appeal.

7. Applicant Nos.3 and 4 will be at liberty claim withdrawal of their compensation amounts on attaining majority.

8. The civil application is accordingly disposed of.

CIVIL APPLICATION NO. 14597 OF 2022

9. The appellant – Insurance Company is seeking condonation of delay of 32 days, which appears to be cause due to obtaining sanctions at various stages. There is not strong objection from other side and therefore the delay of 32 days stands condoned.

10. The appeal be placed for admission after removal of office objections, if any.

11. The application is accordingly disposed of.

CIVIL APPLICATION NO. 14598 OF 2022

12. Since appellant – Insurance Company has deposited entire amount of compensation alongwith the interest the application made absolute in terms of prayer clause 'B' and disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**