

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5747 OF 2023
IN FIRST APPEAL (ST) NO. 28736 OF 2022
WITH CA/14853/2022 IN FAST/28736/2022
WITH CA/14854/2022 IN FAST/28736/2022

SULTANA W/O SALIM SHAIKH AND OTHERS
VERSUS
SHRIRAM GENERAL INSURANCE COMPANY LIMITED

...

Mr. Ajay Shinde – Advocate for Applicants
Mr. S.S. Rathi – Advocate for Respondent No.1
Mr. C.V. Dharurkar – Advocate for Respondent No. 8 (C.A.
No.14853 of 2022)

....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 27th April, 2023

PER COURT :

CIVIL APPLICATION NO. 5747 OF 2023

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the Insurance Company alongwith the interest accrued thereon.
3. The learned counsel for respondent – Insurance Company strongly opposed the application on the ground that,

the learned Tribunal has granted exorbitant amount of compensation.

4. However, the learned Counsel for respondent – Insurance Company fairly submitted that, the Insurance Company has accepted the liability of approximately 60% of the awarded compensation. Further it appears that, applicant Nos. 5 to 7 are still minors. In view of the same and considering the compensation granted by the learned Tribunal, only the applicant Nos.1 to 4 are permitted to withdraw 60% of the compensation from their respective shares as determined by the learned Tribunal alongwith the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

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

6. The applicant Nos.5 to 7 will be at liberty file withdrawal applications in respect of their shares on attaining majority.

7. The civil application is accordingly disposed of.

CIVIL APPLICATION NO. 14853 OF 2022

8. The appellant – Insurance Company is seeking condonation of delay of 60 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 60 days stands condoned.

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

10. The Civil Application is accordingly disposed of.

CIVIL APPLICATION NO. 14854 OF 2022

11. Since the appellant – Insurance Company has deposited the entire amount of compensation as directed by this Court, the application is made absolute in terms of prayer clause 'B' and disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**