

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1101 OF 2023
IN FIRST APPEAL NO. 1212 OF 2022
WITH CA/9968/2022 IN FA/1212/2022

SUDHAKAR HANMANLU PULLGOUR AND ANOTHER
VERSUS
CHOLA MS INSURANCE COMPANY LTD CHOLAMANDALAM -
CORRECTNAME THROUHG ITS MANAGER

...
Mr. S.P. Salgar – Advocate for Applicants
Mr. A.S. Usmanpurkar – Advocate for Respondent No.1
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 20th March, 2023

PER COURT :

1. Heard.
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 the insurance company opposed the application on the ground that the learned Tribunal has granted exorbitant amount of compensation by ignoring breach of condition of policy as well as by holding the notional income of the deceased to the tune of Rs.12,500/- per month

in supervising capacity of agricultural business.

4. Therefore, in view of the same and considering the compensation granted by the learned Tribunal, the applicants are permitted to withdraw 50% of the deposited amount of compensation 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 be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The Civil Application is accordingly disposed of.

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7. Since the appellant – insurance company has deposited entire amount of compensation the application made absolute in terms of prayer clause ‘B’ and disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**

Pooja K.