

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15445 OF 2022
IN FIRST APPEAL NO. 2476 OF 2022

DIPA SURESH SALUNKE AND OTHERS
VERSUS
NEW INDIA ASSURANCE COMPANY LTD

...
Mr. S.D. Jayabhar – Advocate for Applicant
Mr. S.R. Bodade – Advocate for Respondent No.1
Mr. R.H. Dahar – Advocate for Respondent No.3
....

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 17th April, 2023

PER COURT :

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 the respondent No.1 – Insurance Company strongly opposed the application on the ground that, the learned Tribunal has granted exorbitant amount of compensation and at the time of accident Trolley was attached

to the Tractor and the Insurance Company i.e. Reliance Insurance Company should have been held responsible for payment of compensation.

4. However, the judgment itself indicates that the Tractor is not insured with Reliance Insurance Company and therefore, the owner of Tractor, owner of Trolley and the Insurance Company of the Trolley are held liable to pay the compensation jointly and severally. In view of the same, I do not find any force in the submission of learned counsel for respondent no.1 – Insurance Company. It appears that, applicant nos.2 to 5 are still minors.

5. In view of the same and considering the compensation granted by the learned Tribunal, only the applicant Nos.1, 6 and 7 are permitted to withdraw the amounts falling to 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.

6. The remaining amount be kept in F.D.R. in any

nationalized Bank on yearly renewal basis till final disposal of this appeal.

7. The civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE