

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

921 CIVIL APPLICATION NO.15762 OF 2022
IN FA/71/2022

NIRMALA RAJU JAGDALE AND ORS
VERSUS
SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, PUNE AND OTHERS

...
Advocate for Applicants : Mr. Tarde Vivek V.
Advocate for Respondents : Mr. Swapil S. Rath

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 19th January, 2023

ORDER:

1. Leave to correct the first appeal No. in prayer clause (A) as First Appeal No. 71 of 2022 instead of 2681 of 2021.
2. Heard rival submissions.
3. The applicants-claimants are seeking withdrawal of entire amount of compensation which has been deposited by the appellant insurance company. The learned counsel for the insurance company strongly opposed the application on the grounds that the learned tribunal has wrongly calculated the compensation by considering the income of deceased towards higher side and that the deceased was traveling in goods vehicle and that there was no negligence on the part of

vehicle to which a dash was given from back side by the other vehicle.

4. In view of the same, the applicants- claimants are permitted to withdraw only 40% of the deposited amount alongwith the accrued interest thereon till date. On such withdrawal, the amount be distributed amongst them. The remaining amount be invested in FDR in any nationalized bank on yearly renewal basis till the final disposal of this appeal.

5. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

JPChavan