

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

**CIVIL APPLICATION NO.15927 OF 2022 IN
FIRST APPEAL NO. 2229 OF 2022**

Latabai w/o Raghunath Mandlik
and others

Applicants

Versus

Shriram General Insurance Co.Ltd.
And another

Respondents

Mr. V. Y. Patil, advocate for the Applicants
Mr. Swapnil S. Rathi, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 23rd February, 2023.

PC :

Heard rival submissions.

The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-Insurance Company.

The learned Counsel for Respondent No.1- Insurance Company strongly opposed the application on the ground that there was no involvement of offending truck in the accident. Moreover, the learned Tribunal has wrongly

applied future prospects to the extent of 30% instead of 15% since the deceased had crossed the age of 50.

However, it appears that the owner and driver have already admitted involvement of offending truck in the accident. They only claimed that the driver was not negligent. Further, for reduction of future prospects amount, the birth date of the deceased is required.

Therefore, at this juncture, the applicants are permitted to withdraw 50% of the deposited amount along with accrued interest thereon till date by furnishing usual undertaking to the satisfaction of Registrar (J) of this Court. The aforesaid amount be distributed among the applicants in equal proportion. The remaining amount be invested in FDR, in any Nationalised Bank, on yearly renewal basis till final disposal of the appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE