

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

**21 CIVIL APPLICATION NO.16521 OF 2022
IN FAST/21127/2022**

**FARHIN FARUKH SHAIKH AND OTHERS
VERSUS
HIMATSINH MADARJI CHAUHAN AND OTHERS**

...
Advocate for Applicants : Mr. V. S. Janephalkar h/f.
Mr. Fayaz K. Patel
Advocate for Respondent No.3 : Mr. Rohit H. Dahat and Mr. S. S. Patil
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 02.01.2023

PER COURT :

Heard rival submissions. The applicants are seeking withdrawal of entire amount of compensation which has been deposited by the respondent No.3 -Insurance Company along with the interest. The learned counsel for the Insurance Company strongly opposed the application on the ground that the learned Tribunal has granted excessive amount of compensation by holding that the deceased being the tempo driver, who was earning Rs. 14000/- per month.

2. On going through the impugned judgment, it appears that the learned Tribunal has granted total compensation of Rs.29,79,000/-. Further, the learned Tribunal has also made apportionment

according to which respondent No.1 wife of deceased is allowed to withdraw amount of Rs. 15,79,000/- along with the accrued interest and respondent No. 6 mother of deceased is allowed to withdraw Rs. 4,00,000/- along with the accrued interest.

3. Rest of the claimants are minor -children of the deceased and therefore, the amounts falling to their shares are required to be kept in F.D.R. till they attain majority. Therefore, at this juncture, respondent Nos. 1 and 6 are only allowed to withdraw their shares in the compensation as mentioned above along with the interest accrued thereon by furnishing undertakings to the satisfaction of learned Registrar (Judicial) of this Court. The remaining amount of compensation be invested in F.D.R. in the name of minor respondent Nos. 2 to 5 in any Nationalized bank on yearly renewal basis till disposal of this appeal. The aforesaid minor respondents are at liberty to seek withdrawal of their shares on sufficient cause after attaining their age.

4. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-