IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 329 OF 2023
IN FIRST APPEAL (ST) NO. 27690 OF 2022
WITH CA/14458/2022 IN FAST/27690/2022
WITH CA/14459/2022 IN FAST/27690/2022

VAISHNAVI D/O SANGMESHWAR LOHARE
VERSUS
THE ORIENTAL INSURANCE COMPANY LTD
...
Mr. S.S. Manale – Advocate for Applicant
Mr. D.P. Deshpande – Advocate for Respondent No.1
....
CORAM : SANDIPKUMAR C. MORE, J.
DATE : 27th April, 2023

PER COURT :

CIVIL APPLICATION NO. 329 OF 2023

1. Heard rival submissions.

2. The applicant is 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 strongly opposed the application on the ground that, the learned Tribunal has granted exorbitant amount of compensation and that the interest of injured – claimant is already protected by the learned Tribunal by directing his father to withdraw

periodical interest on the amount of Rs.25,00,000/- (rupees twenty five lacs only) which was order to be kept in F.D.R. in the name of injured – claimant.

4. It is significant to note that, the injured – claimant is still minor and as per the order of learned Tribunal her father is getting amount around Rs.14,000/- p.m. Therefore, unless she attains majority no withdrawal can be permitted. However, for her day to day needs certain arrangements can be done. As such, the injured – claimant is permitted to withdraw the entire amount of interest on the deposited amount of compensation through her father periodically and on monthly basis from the concerned bank wherein the amount of compensation has deposited by the Insurance Company is invested in F.D.R.

5. The office is directed to instruct the concerned bank to deposit such interest on the amount of compensation directly to the account of father of injured – claimant till she attains majority.

6. Liberty is granted to injured – claimant to file withdrawal

application on attaining majority.

7. The civil application is accordingly disposed of.

CIVIL APPLICATION NO. 14458 OF 2022

8. The appellant – Insurance Company is seeking condonation of delay of 81 days, which appears to be cause due to obtaining sanctions at various stages. There is not strong objection from other side and therefore the delay of 81 days stands condoned.

9. The appeal be placed for admission after removal of office objections, if any.

10. The Civil Application is accordingly disposed of.

CIVIL APPLICATION NO. 14459 OF 2022

11. Since the appellant – Insurance Company has deposited the entire amount of compensation as directed by this Court, the application is made absolute in terms of prayer clause 'B' and disposed of.

[SANDIPKUMAR C. MORE]
JUDGE