

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

**26 CIVIL APPLICATION NO.17291 OF 2022
IN FA/3785/2022**

**BALAJI RAGHUNATH RODGE
VERSUS
SHRIRAM GENERAL INSURANCE COMPANY LIMITED**

...
Advocate for Applicant : Mr. Madde Shrikant B.
Advocate for Respondent No.1 : Mr. S. S. Rathi
Advocate for Respondent Nos. 2 and 3 : Mr. S.S.Halkude
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 02.01.2023

PER COURT :

Heard rival submissions. The applicants are seeking withdrawal of compensation amount which has been deposited by the appellant / Insurance Company. The learned counsel for the respondent - Insurance Company who has filed this appeal, strongly opposed the application on the ground that the learned Tribunal has applied wrong multiplier for assessing compensation despite there being availability of evidence in form of Aadhar Card which indicated the age of deceased as 65 years. The learned counsel for the Insurance Company also pointed out that the learned Tribunal also awarded future prospects which were not permissible for the age of 65 years and the income of deceased was also considered at higher

rate.

2. In view of the same, the applicants at this juncture are permitted to withdraw the 50% amount of deposited amount along with the proportionate interest accrued thereon till date by furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court. The remaining amount be invested in F.D.R. in any Nationalized bank on yearly renewal basis till disposal of this appeal.

3. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-