

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

**44 CIVIL APPLICATION NO.1190 OF 2023
IN FA/3836/2022**

**SANTRAJ SINGH DHARAMCHAND SINGH
VERSUS
ANKUSH SUKHDEV BHUSARE**

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Mr. Manoj Shinde, Advocate holding for Ms. Savita Kakade,
Advocate for the applicant.

Mr. M.R. Deshmukh, Advocate for respondent No.2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 27.02.2023.

ORDER:-

1. Heard rival submissions. The applicants are seeking withdrawal of entire compensation amount alongwith interest accrued thereon as deposited by respondent Insurance Company. Learned Counsel for the respondent Insurance Company strongly opposed the application on the ground that the learned Tribunal, without any cogent evidence, considered the income of deceased to the extent of Rs. 40,000/- per month. On the contrary, learned Counsel for the applicants submits that deceased was B.H.M.S. - Doctor by profession and certificate in respect of his income was already produced on record and one witness to that effect was also examined.

2. However, I am of the opinion that since the appeal is filed on the ground of quantum, the applicants are allowed to withdraw 50% of the deposited compensation amount alongwith the proportionate accrued interest thereon till date, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The remaining amount be invested in F.D.R. in any Nationalized Bank on yearly renewal basis, till final disposal of this appeal. The amount which is permitted to be withdrawn be distributed equally between the applicants.

3. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)