

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION NO.819 OF 2023 IN
FIRST APPEAL NO.939 OF 2022**

(The New India Assurance Co. Ltd. Vs. Smt. Seema wd/o Sheshrao Sonone and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. Marathe, Advocate for the appellant.
Shri A. Shitut, Advocate h/f Shri R. M. Tahaliyani, Advocate for respondent
Nos.1 to 3.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 21, 2023.

Heard.

2. Present application is filed for seeking permission for withdrawal of the compensation amount.

3. As per the contention of the respondent Nos.1 to 3 that due to the death of the deceased they have lost their sole bread earner of the family and now they are facing financial crisis.

4. Though award is passed in their favour, they have not received the amount towards compensation, therefore, they be permitted to withdraw the amount of compensation.

5. Said application is opposed by Shri Marathe, learned Counsel for the appellant on the ground that the Tribunal has awarded the compensation which is exorbitant and excessive one without considering the income of the deceased.

6. In view of the reasons mentioned in the application and considering the objection raised, it will be

appropriate at this stage to permit respondent Nos.1 to 3 to withdraw 50% of the amount of compensation, on usual undertaking.

7. The amount be disbursed on due identification and verification.

8. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*