



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

FIRST APPEAL NO. 928 OF 2022

The Oriental Insurance Co. Ltd. through its Divisional Manager, Akola

.Vs.

Ranjana wd/o Satish Chahakar and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri A.W. Paunikar, Advocate for the appellant.

Shri S.A. Mohta, Advocate for respondent No.1 to 5.

CORAM : G.A. SANAP, J.

DATE : 11/01/2023

CIVIL APPLICATION NO.1938 OF 2023

Heard learned Advocate for respondent Nos.1 to
5. and learned Advocate for appellant. Perused the record
and proceedings.

2. This is an application for withdrawal the amount
of compensation deposited in this Court.

3. It is stated that claim has been finally decided.
Claim was filed in 2018. It is stated that the respondents
are entitled to get the amount of compensation deposited
in this Court.

4. Learned Advocate for the appellant submits that
judgment and award passed by the Tribunal holding that

monthly income of the deceased was Rs.15,000/- perverse inasmuch as there is no evidence to substantiate this aspect. Learned Advocate therefore, submits that respondents at the most may be allowed to withdraw 50% of the deposited amount.

5. I have gone through the record and proceedings. The respondents are the legal heirs of the deceased died in vehicular accident. The Tribunal has granted the compensation of Rs.25,58,750/-. They are entitled to get the compensation. In order to appreciate the submissions of the learned Advocates, I have gone through the judgment and order passed by the Tribunal. On going through the record and proceedings, I am of the view that respondents being the unfortunate legal heirs of the deceased can be allow to withdraw Rs.20 Lacs (Rs. Twenty Lacs Only) out of the deposited amount.

6. Accordingly the application is partly allowed.

7. Respondent No.1 Ranjana wd/o Satish Chahakar is allowed to withdraw Rs.20 Lacs (Rs. Twenty Lacs Only) with accrued interest on behalf of respondent Nos.1, 2, 3 and 5 on furnishing usual undertaking to the effect that she will return the said amount in case the appeal is decided against her along with interest at the rate

that will be determined by the Court.

6. Respondent Nos. 1, 2, 3 and 5 are allowed to withdraw the amount of Rs.20 Lacs. (Rs. Twenty Lacs Only). During the pendency of the appeal respondent No.4 is expired and respondent Nos. 1, 2 3 and 5 are the legal heirs of respondent No.4 and are already on record.

7. Application stands **disposed of**, accordingly.

(G. A. SANAP, J.)

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