

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

FIRST APPEAL NO.295 OF 2022

Reliance General Insurance Co. Ltd. ..vs.. Madhukar Damadu Pimpalkar 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 D.N. Kukday, Advocate for the appellant.
Shri A.R. Rishi, Advocate for respondent nos.1 and 2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 13, 2023.

The appellant to file paper book within four weeks.

2. The appeal be placed for final hearing on final hearing board after paper book is filed its verification.

CIVIL APPLICATION NO.7/2023

Heard.

2. By preferring this application, respondent Nos.1 and 2 are seeking withdrawal of the compensation amount.

3. The appellant has already deposited the amount of compensation along with the accrued interest.

4. As per the contention of the respondent nos. 1 and 2, they are the parents of the deceased. The deceased was the only earning member of the family. Because of the death of the son, they are facing financial

crisis, and therefore, they be permitted to withdraw the amount.

5. This application is opposed by the appellant-Insurance company on the ground that the Tribunal has awarded the compensation, which is excessive and exorbitant one.

6. In view of the submission made by the learned Counsel for the respondents and the objections raised by the appellant, it would be just and proper to permit the respondent Nos.1 and 2 to withdraw 50% of the amount on usual undertaking.

7. 50% of the amount along with accrued interest be disbursed to respondent Nos.1 and 2 on due identification and verification.

8. The civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*