

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

**CAF NO.2619/2022 AND FA NO.572/2022
Royal Sundaram General Insurance Co.Ltd.**

..VS..

Smt.Vidya wd/o Shekhar Bode and ors

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

Court's or Judge's Order

.....
Shri A.R.Rishi, Counsel for Applicants/R-1,2,3, & 5.
Shri H.N.Verma, Counsel for the Appellant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 23/02/2023

1. By this application, respondent Nos.1, 2, 3, and 5 seek permission for withdrawal of amount of compensation.
2. Respondent No.4 is reported to be dead.
3. As per contentions of respondents, the Tribunal awarded compensation. Respondent No.1 is widow of deceased and other respondents are dependents. After death of deceased, respondents have no source of income. Though award is passed in their favour, they have not received any amount towards compensation and, therefore, compensation amount be disbursed to them.
4. Learned counsel Shri H.N.Verma for the appellant opposes the application on the ground that the amount of compensation awarded by the Tribunal is exorbitant and the appellant has challenged the same before this Court. If the appellant succeeds in the appeal, it will be difficult for the appellant to recover excess amount from respondents and, therefore, the application be rejected.
5. Heard both sides and perused the application.
6. Considering reasons mentioned in the application, it will be appropriate to permit respondent Nos.1, 2, 3, and 5 to withdraw 50% of the deposited amount along with interest accrued thereon on furnishing usual undertaking.
7. For reasons stated in the application, the application is allowed. The respondent Nos.1, 2, 3, and 5 are permitted to withdraw 50% of the deposited amount along with interest accrued

thereon on furnishing usual undertaking.

8. Record and proceedings be called for. After receipt of the record and proceedings, the appeal be placed for its final hearing at admission stage.

9. The application is **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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