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

**14 CIVIL APPLICATION NO. 6661 OF 2024
IN FAST/12429/2023**

SNEHA RAVINDRA MOTE AND ORS

....Applicants

VERSUS

**BRANCH MANAGER CHOLAMANDALAM MS GENERAL
INSURANCE COMPANY LTD AND ORS**

.....Respondents

Mr. D. A. Bide, Advocate for the applicants

Mr. A. S. Usmanpurkar, Advocate for the respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 08th JULY, 2024

P. C.

1. Heard the parties for some time.
2. The application is for withdrawal of the amount deposited by the appellant insurance company in this court as per the impugned judgment and award dated 26-09-2022 passed by the learned MACT, Shrigonda, Ahmednagar in MACP No. 4/2020.

3. The application is opposed by the learned Advocate Mr. Usmanpurkar stating that there are substantial grounds raised in the appeal. Main ground is that there was negligence on the part of the deceased. He also stated that the court has taken notional income as Rs.5 lakhs per year which is quite higher side as the agriculture land was in the name of parents of the deceased. On one hand the court has considered the notional income of Rs.5 lakhs and has awarded amount, at the most claimants can claim expenses towards managerial and supervision charges. Since it is agricultural land, there is no complete loss of income.

4. The learned advocate for the applicants points out that deceased was degree holder of Bsc Agri. He was expert in Polly House technology. It is only individual skill there was developing in the agriculture land and income has rightly considered by the court of Rs. 5 lakhs p.a.

5. Considering the above submissions, this court is

inclined to pass the following order:-

ORDER

a] The applicants-claimants are permitted to withdraw 40% of the amount deposited in this court alongwith accrued interest on furnishing usual undertaking. The applicants-claimants are further allowed to be withdrawn 20% of the amount deposited alongwith accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court. Balance amount be invested in fixed deposit in any nationalized bank to be renewed periodically pending the appeal.

b] With this, application stands disposed off.

[KISHORE C. SANT, J.]