



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9265 OF 2024
IN FAST/8808/2023

Adesh Ishwar Kale Thr U/g Ishwar Laxman Kale And Ors
VERSUS
The Reliance General Insurance Co Ltd Through Its
Branch Manager And Ors

WITH
CIVIL APPLICATION NO. 5112 OF 2023
WITH FAST/8808/2023

Reliance General Insurance Co Ltd
VERSUS
Adesh Ishwar Kale Thr U/g Ishwar Laxman Kale And Ors

- Mr. T. R. Quadri, Advocate for Applicants and for Respondent No. 1 in CA/5112/2023
- Mr. S. S. Patil h/f Mr. R. H. Dahat, Advocate for Respondent No. 1 in CA/9265/2024 & for Applicant in CA/5112/2023

CORAM : KISHORE C. SANT, J
DATE : AUGUST 30, 2024

PER COURT :

ORDER IN CIVIL APPLICATION NO. 9265 OF 2024

1. This application is for withdrawal of the amount deposited by the Appellant Insurance Company in this Court.

2. Applicant is vehemently opposed by the learned

Advocate for the Appellant. He submits that the amount of compensation awarded by the Trial Court is much higher. Insurer is a boy hardly of 6 years of age, who sustained 75% disability. While calculating the compensation, the Court has considered the income of the father of the child and, therefore, has arrived at a figure which is much more than what could be granted in this case. He has also placed reliance on the judgment of this Court in case of Dada Prakash Shinde Vs. Balwan Singh and Anr, 2023 (4) ALL MR 584.

3. Considering all above factors, this Court is inclined to partly allow application. Hence, application is allowed. Applicants are permitted to withdraw Rs. 7,00,000/- (Rupees Seven Lacs Only) out of total compensation amount along with accrued interest on furnishing undertaking that in case Appeal is allowed they shall redeposit the amount with interest within 12 weeks from such judgment.

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4. Since the amount of compensation is already

deposited in this Court, Application is allowed in terms of prayer clause 'B'.

ORDER IN FIRST APPEAL

5. Appellant to take steps as regard Respondent No. 3.

6. Stand over to 11th October, 2024.

(KISHORE C. SANT, J.)