



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

74 CIVIL APPLICATION NO. 4438 OF 2024
IN FAST/183/2024

JAYSHREE KHANDU JAKATE AND ORS

VERSUS

MAHADEV BHARAT KOKANE AND ANR

Mr.S.B. Choudhari, Advocate for the applicants.

Mr.M.R. Deshmukh, Advocate for respondent No.2.

CORAM : KISHORE C. SANT, J.

DATED : 05.07.2024

PC :-

01. Heard learned Advocates for the parties. This application is filed for withdrawal of the amount deposited by the respondent-insurance company in this Court.

02. The application is opposed by the learned Advocate for the respondent-insurance company. He submits that while calculating the income of the deceased, the Tribunal has considered income as Rs.10,000/- per month. While deducting the amount towards personal expenses, the Tribunal has deducted only 1/4th amount towards personal expenses. The Tribunal has considered family consisting of seven members, who cannot be said to be dependents under the law. The deduction towards personal expenses ought to have been 1/3rd. He submits that on two grounds the appeal is filed i.e. personal expenses deduction is considered 1/4th instead of 1/3rd and that the income of the deceased is considered on higher side.

03. Considering the above, this Court is inclined to pass following order :-

ORDER

- (i) The application is partly allowed.
- (ii) The applicants-claimants are permitted to withdraw 60% of the amount deposited in this Court along with accrued interest on furnishing usual undertaking.

[KISHORE C. SANT, J.]