



(1)

47ca5464.24

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

**47 CIVIL APPLICATION NO. 5464 OF 2024
IN FAST/16045/2023**

**AMBADAS APPASAHEB BORKAR AND ANR
.....Applicants
VERSUS**

**UNITED INDIA INSURANCE COMPANY LTD AND ORS
.....Respondents**

Mr. M. S. Taur, Advocate for the applicants
Mr. A. S. Usmanpurkar, Advocate for the respondents

CORAM : KISHORE C. SANT, J.

DATE : 08th JULY, 2024

P. C.

1. Heard the parties.
2. This application is for withdrawal of the amount deposited by the appellant insurance company in this court towards compensation. Learned trial court had granted total compensation of Rs.8,50,000/- including 'no fault liability'. Amount of Rs.50,000/- is already withdrawn towards 'no fault liability'. Now the insurance company has deposited

Rs.8,00,000/- alongwith interest in this court.

3. Application is vehemently opposed by the learned advocate for the appellant. He submits that deceased died at the age of 64 years. He was having only 30R land in his name. Thus from the agricultural land of 30R, he cannot get more income. Still this court has considered his income to be Rs.500/- per day which is quite on higher side.

4. Learned advocate for the applicant submits that the court has rightly considered the income. There is 60R land standing in the name of wife of the deceased who is claimant No.1. Thus, she was cultivating the land of 90R. She is also doing milk business. There is also ground of non involvement. Accident occurred on 30-09-2019 whereas FIR was lodged on 05-10-2019.

5. Considering the above position, this court is inclined to allow the application partly. Hence, the following order:-

ORDER

a] The applicants are entitled to withdraw 25% of the amount deposited alongwith accrued interest on furnishing usual undertaking. Further 25% of the amount deposited alongwith accrued interest is permitted to be withdrawn by furnishing solvent surety/security to the satisfaction of the the learned Registrar (Judicial) of this court. Balance amount be invested in fixed deposit in any nationalized bank to be renewed yearly basis till pending the appeal.

B] With this, application stands disposed off.

[KISHORE C. SANT, J.]