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

**66 CIVIL APPLICATION NO. 5329 OF 2024
IN FAST/3552/2024**

**SAU SARLABAI PURUSHOTTAM KOLI AND ANR
.....Applicants**

VERSUS

**SHRIRAM GENERAL INSURANCE COMPANY LIMITED AND
ORS**

.....Respondent

Mr. M. M. Bhokarikar, Advocate for the applicants
Mr. A. G. Chaudhari, Advocate for the respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 26th JUNE, 2024

P. C.

1. This application is for withdrawal of amount deposited by the Insurance Company.

2. The applicants are parents of the deceased. The respondents/Insurance Company has deposited the amount of compensation in MACT, Jalgaon pursuant to the judgment and award passed by the learned Member, MACT, Jalgaon in MACP No. 106/2018 dated 03-05-2023.

3. The application is vehemently opposed by the learned advocate for the Insurance company. He submits that appeal is filed mainly on the ground that learned court below has considered the income of the deceased @ Rs.20,000/- per month. There is no proof to show that deceased was in service. The court has only relied on the fact that deceased was possessing the Bachelor degree and other courses. He further submits that no certificate of other courses were produced.

4. However, considering the above arguments following order is passed:-

ORDER

a] The application stands allowed.

b] Claimants are entitled to withdraw 50% of the amount deposited on furnishing undertaking that in case appeal is allowed, they shall re-deposit the amount within 12 week from the date of such

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judgment. Further 25% of the amount deposited shall be allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Member, MACT Jalgaon. Remaining 25% amount be deposited in fixed deposit in any nationalized bank to be renewed periodically pending the appeal.

c] With this, application stands disposed off.

[KISHORE C. SANT, J.]

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