



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

CIVIL APPLICATION NO. 7892 OF 2021
IN FA/1601/2021

- | | | |
|----|---------------------------------------|-------------------------|
| 1. | Vaishnavi Kamleshkumar Chordia | |
| 2. | Jivika Kamlesh Chordia | |
| 3. | Ganesh Kamlesh Chordia | |
| 4. | Suganbai Shantilal Chordia | |
| | All R/o. Dhule | .. Applicants/claimants |
| | Versus | |
| 1. | IFFCO Tokyo General Insurance Co.Ltd. | |
| 2. | Ganesh Jaising Banjara | |
| 3. | Kiran Prakash Patil | .. Respondents |

Mr. Vikrant P. Raje, Advocate for Applicants;
Mr. Swapnil S. Rathi, Advocate for Respondent No.1;

CORAM : S. G. MEHARE, J.

DATE : 19-01-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the respondent No.1/insurance company.
2. The appellant/insurer has impugned the judgment and award only on the ground of quantum. The Motor Accident Claims Tribunal held the income of Rs.21,000/- per month of the deceased, who was running a shop of Cakes, Bakery, Cold Drink and Ice cream parlour at Dhule. It is a matter of dispute, what was the income of the deceased. *Prima facie* it has been proved that he was running the business. In the facts and circumstances of the case, the application deserves to be partly allowed. Hence,

the order;

- i) The application is partly allowed.
- ii) The applicants are entitled to withdraw 75% of the amount deposited with accrued interest thereon.
 - (a) Out of 75% amount, 25% amount with accrued interest be invested in the fixed deposit in the name of minor claimants and rest of the amount be paid to the wife and mother of the deceased equally, on furnishing an undertaking that they will re-deposit the amount if the impugned judgment and order is reversed.
 - (b) Remaining 25% amount be invested in the fixed deposit in the name of applicants.

3. The learned counsel for the applicants prays to refer the matter to the Lok Adalat. Hence, the matter is referred to Lok Adalat to be held on 03.03.2024.

(S. G. MEHARE)
JUDGE

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