



(1)

{ca7967.24}

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

**923 CIVIL APPLICATION NO. 7967 OF 2024
IN FA/2381/2023**

LATE PRATAP GULABSINGH BARELA AND ANR

VERSUS

BILDAR DINKAR PAWARA AND ANR

WITH

**CIVIL APPLICATION NO. 7690 OF 2023
IN FA/2381/2023**

NEW INDIA ASSURANCE CO LTD

VERSUS

PRATAP GULABSINGH BARELA (DEAD) THR LRS SHEELABAI BARELA
AND ORS

Mr.Kirti Deshpande h/f. Mr. M.M. Bhokarikar, Advocate for the applicants-claimants.

Mr.M.M. Ambhore, Advocate for respondent No.2-insurance company.

CORAM : KISHORE C. SANT, J.

DATE : 18.10.2024

PC :-

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

01. Heard. This application is for withdrawal of the amount deposited by the insurance company in this Court. The entire amount is already deposited. The application is resisted by learned Advocate Mr. Ambhore, mainly on the ground that though the deceased child was of 7 years, the Court has granted compensation of more than Rs.10 lakhs. This is against judgment in the case of **Kishan Gopal and Anr Vs. Lala and Ors. reported in (2014) 1 SCC 244**. After hearing the parties, what is seen is that in any case the applicant will be entitled to receive compensation of Rs.5 lakhs. It is made clear that since the parents are

not entitled to receive more than Rs. 5 lakhs, this Court will not entertain any further application for withdrawal of amount. Hence, the following order :-

ORDER

- (i) The applicants are permitted to withdraw Rs.5,00,000/- (Rupees Five Lakhs) along with accrued interest on furnishing usual undertaking.
- (ii) Remaining amount shall be kept in fixed deposit of any nationalized bank to be renewed periodically till disposal of the appeal.
- (iii) The civil application is accordingly allowed and is disposed off.

CIVIL APPLICATION FOR STAY

01. Since the entire amount as per the award is already deposited in this Court, there shall be stay to the impugned judgment and award till disposal of the appeal.

02. The civil application is accordingly allowed and is disposed off.

[KISHORE C. SANT, J.]