



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

**CIVIL APPLICATION NO. 7535 OF 2024
IN FAST/22074/2023**

**VIPUL ULHAS PATIL AND ANR
VERSUS
NEW INDIA INSURANCE COMPANY AND ORS**

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Mr. Madhav M. Bhokarikar, Advocate for Applicants.
Mr. Ramesh Ramdas Imale, Advocate for Respondent No.1.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 20th AUGUST, 2024.**

P.C.:-

1. This is an application for withdrawal of amount deposited by the Appellant/Insurer in pursuance of Award dated 21.02.2023 passed in M.A.C.P. No.316/2016.
2. Mr. Bhokarikar, learned Advocate appearing for the applicant submits that Tribunal after considering evidence on record passed Award for Rs.50,23,096/- in favour of claimants. The claimants are in need of amount. They lost bread earner of the family. Therefore, he urges to release the amount as prayed.
3. Mr. Imale, learned Advocate appearing for the Insurer/Appellant opposes the application stating that Tribunal has considered excessive income of the deceased, although there was no evidence to support such contentions of the claimants and passed excessive Award.
4. It is not in dispute that deceased lost his life in motor vehicular accident involving vehicle insured with Appellant/Insurer. It is also not disputed that claimants were

dependents on the income of the deceased. Considering the exigency of the claimants and apportionment of the compensation under the Award passed by the Tribunal, it would be appropriate to permit applicant no.1 to withdraw the amount of Rs.20,00,000/- (alongwith proportionate interest accrued thereon) out of the amount deposited in this Court subject to condition that she executes usual undertaking with the Registrar (Judicial) of this Court.

5. The balance amount be invested in Fixed Deposit in proportion to the apportionment made under Award of the Tribunal. In case minor applicant needs the amount, she shall be at liberty to make an application specifying exigency. Consequently, Civil Application stands disposed of with aforesaid direction.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/August-2024