



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**927 CIVIL APPLICATION NO. 7596 OF 2024
IN FAST/6999/2024**

AMBIKA SUSHILKUMAR JADHAV AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD THROUGH ITS BRANCH MANAGER
AND ORS

...
Advocate for Applicant : Mr. G. K. Muneshwar.
Advocate for Respondent No.1 : Mr. Vinodkumar R. Mundada.
...

AND
**CIVIL APPLICATION NO. 4424 OF 2024
IN FAST/6999/2024**

AND
**CIVIL APPLICATION NO. 4425 OF 2024
IN FAST/6999/2024**
...

CORAM : **KISHORE C. SANT, J.**

DATE : 11th October, 2024.

P.C.:

. Heard the learned counsels for the parties.

2 CIVIL APPLICATION NO. 7596 OF 2024 is filed by original claimants, who lost earning member of the family. The learned Trial Court has awarded amount of Rs.22,47,493/- towards the claim. The learned counsel for applicants from the appeal memo points out that even the appellant had admitted the figure of Rs.8,60,000/- and odd amount. The appeal is basically only on the point of quantum i.e.

awarded by the learned Commissioner. He submits that around Rs.7,00,000/- is paid on the medical expenses.

3 The application is vehemently opposed by Mr. Mundada, learned counsel for respondent No.1. He submits that the claim is mainly filed on quantum. The learned Commissioner has granted exorbitant amount towards compensation. He accepts that the relationship is not disputed in this matter. However, his submission is that the liability would be, in fact, on the owner of the vehicle. He submit that presently the amount deposited need not be withdrawn, as the same is deposited by the insurance company. Mr. Mundada, learned counsel submits that in case liability is shifted on the insurance company, in that case the amount can be adjusted.

4 After hearing the learned counsels for the parties, the following order is passed:

ORDER

- I. The application is allowed.
- II. The applicants are permitted to withdraw fixed amount of Rs.15,000,00/- (Rupees Fifteen Lakhs Only), which is lying in the office of learned Commissioner for Employees Compensation Act, Nanded on furnishing undertaking that in case the appeal is decided against the applicants, the applicants redeposit the entire amount withdrawn

alongwith accrued interest within twelve weeks from such judgment. The learned Commissioner is requested to allow the applicants to withdraw the amount as above.

- III. The applicants to withdraw the amount in equal proportionate that is Rs.5,00,000/- each.

[KISHORE C. SANT, J.]

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