IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

10 CIVIL APPLICATION NO. 6966 OF 2024
IN FAST/7156/2024

ANITA DHANAJI CHAUGHULE AND ORS
VERSUS
ICICI LOMBARD GENERAL INSURANCE CO LTD
THROUGH BRANCH MANAGER AND ANR

...
Advocate for Applicant : Mr. Sushant Baburao Choudhari
Advocate for Respondent No. 1 : Mr. Abhijit G. Choudhari
...

CORAM : KISHORE C. SANT, J.

DATE : 20th JULY, 2024.

PER COURT :

1. Heard the parties.

2. This application is by the Original Claimants for withdrawal of the amount deposited by the appellant/Insurance Company in this Court, pursuant to the judgment and award dated 04.08.2023 passed by the learned Member, MACT, Osmanabad in MACP No. 120 of 2018. The entire amount is deposited alongwith interest.

3. Learned Tribunal has directed to keep 50% of the amount of compensation of the Claimant No. 1 i.e. wife of the deceased in fixed deposit. The Claimant Nos. 2 and 3 are the son and daughter (the daughter is now major). Their amounts to the extent of 30,00,000/- is directed to be deposited in fixed deposit for a period of 5 years and the remaining amount of Rs. 5,00,000/- is directed to be paid to Claimant No. 2. The Claimant No. 2 who was also then minor her amount of her share was directed to be deposited in fixed deposit.

4. So far as Claimant Nos. 4 and 5, the parents are concerned, 50% amount was directed to be invested in fixed deposits in any nationalized bank to be renewed from time to time for next 5 years and the remaining amount was directed to be paid to them.

5. Learned Advocate for the Original Claimants applicants submits that in fact Claimant No. 1 is a widow and she requires the amount for maintaining Claimant Nos. 2 and 3. Claimant No. 2 daughter has now become major and she requires the amount for her education. So far as Claimant No. 3

son is concerned, he submits that he is not pressing application for the son. About Claimant Nos. 4 and 5, he is pressing this application since they are aged persons and require the amount.

6. Learned Advocate for the Insurance Company opposed the application vehemently, however, considering the fact that the Claimant No. 1 is widow of the deceased, Claimant No. 2 is now major who requires the amount for education and considering the age of Claimant Nos. 4 and 5 i.e. parents, this Court finds following order will meet the ends of justice. :

ORDER

a) The Civil Application stands partly allowed and disposed off.

b) Claimant No. 1 is entitled to withdraw 50% of the amount of her share along with accrued interest on furnishing usual undertaking.

c) Claimant No. 2 i.e. daughter would be entitled to receive 50% of the amount of her share alongwith accrued interest on furnishing usual undertaking.

d) The amount to the extent of Claimant No. 3 be invested in fixed deposit in any nationalized bank to be renewed from time to time till disposal of the appeal.

e) Claimant Nos. 4 and 5 are entitled to withdraw 50% of the amount with accrued interest on furnishing usual undertaking.

f) Rest of the amount be invested in fixed deposit in any nationalized bank to be renewed from time time till disposal of the appeal.

g) Claimant No. 3 the son shall be entitled to file application after he became major.

h) Appellants to take steps against un-served respondent No. 6 within six weeks from today.

(KISHORE C. SANT)
JUDGE

mahajansb/