



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 CIVIL APPLICATION NO. 13422 OF 2022
IN FA/1273/2022

Gangasagar Sunil Kute And Others

VERSUS

The Reliance General Insurance Co Ltd Through Its Branch Manager

...

Advocate for Applicant : Mr. Shirsat Suhas R.

Advocate for Respondent 1 : Mr. A.S. Usmanpurkar

...

CORAM : KISHORE C. SANT, J.

Dated : June 28, 2024

PER COURT :-

1. Heard.
2. This application is by the original claimants i.e. wife and two sons of deceased Sunil, who died in an accident. The applicants/original claimants have prayed for allowing them to withdraw the amount of compensation deposited by the Insurance Company in this Court.
3. The application is vehemently opposed by Mr. Usmanpurkar, learned advocate for the Insurance Company by submitting that in this case, two Insurance Companies are held liable to pay the compensation as there is composite negligence on the part of two vehicles. He submits that already 50% of the awarded amount deposited by the other Insurance Company to the extent of its share is withdrawn by the applicants.
4. Considering that the applicant Nos. 2 and 3 are still minors as school going children and they require amount for their school expenses, this Court is inclined to partly allow the application with certain conditions.
5. Application is partly allowed. The applicants are entitled to receive 50% of the deposited amount of compensation by the Insurance Company

on furnishing an undertaking by applicant No. 1 on behalf of herself and on behalf of applicant Nos. 2 and 3 that in case the appeal is allowed, they shall redeposit the amount.

6. The applicants are also entitled to receive 25% of the deposited amount of compensation by the Insurance Company on furnishing solvent surety/security to the satisfaction of the Registrar Judicial of this Court.

7. Remaining 25% of the deposited amount of compensation by the Insurance Company be invested in fixed deposit in any nationalized bank and to be renewed from time to time till the disposal of the appeal.

With these, the application for withdrawal of amount is disposed of.

(KISHORE C. SANT, J.)

ssc/