



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

CIVIL APPLICATION NO. 11819 OF 2023 IN FA/1940/2023

SMT. DEWYANI YOGRAJ YEWALE AND OTHERS
VERSUS
BAJAJ ALLIANCE GENERAL INSURANCE COMPANY LTD AND
ANOTHER

...
Advocate for Applicants : Mr. Karan V. Sarosiya holding for
Mr. Satyajit S. Bora
Advocate for Respondent No.1 : Mr. S. S. Sarda holding for
Mr. M. R. Deshmukh
...

CORAM : S. G. MEHARE, J.
DATE : 25-01-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned counsel for respondent No.1/appellant.
2. Applicant No.1/wife and applicants No.2 and 3/parents of the deceased had filed a motor accident claim petition. The learned Tribunal held all the applicants entitled to get compensation of Rs.18,67,400/- including the NFL amount along with interest @ 7% p.a. from date of institution of petition till the realization of entire amount.
3. Learned counsel for the respondent/appellant Bajaj Allianz states that applicant No.3/the father was not dependent. He was also held dependent upon the deceased. Hence, the correct multiplier was applied. Therefore, the applicants are not entitled to withdraw the deposited amount of their share.

4. There appears a substance in the submission. However, the applicants No.1 and 2 /wife and the mother of the deceased were dependent, for the purpose of motor accident claim. Therefore, the application deserves to be partly allowed. Hence, the order;

- i) The application is partly allowed.
- ii) Applicants No.1 and 2 / wife and mother of the deceased are permitted to withdraw 75% of their share from the deposited amount with proportionate accrued interest, on usual undertaking that they will deposit the amount, if the impugned judgment and award is reversed.
- iii) The balance amount be deposited in the fixed deposit in any Nationalized Bank, till further orders.

(S. G. MEHARE)
JUDGE

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