



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

916 CIVIL APPLICATION NO. 11932 OF 2024
IN FAST/16791/2024

BEBI UDDHAV PANDULE AND OTHERS
VERSUS
CHOLA MS GEN INSURANCE CO LTD AND ORS

...
Advocate for Applicant : Mr. Dattatraya Rambhau Markad.
Advocate for Respondent No.1 : Mr. Abhijit G. Choudhari.

...

AND
CIVIL APPLICATION NO. 7530 OF 2024
IN FAST/16791/2024

AND
CIVIL APPLICATION NO. 7531 OF 2024
IN FAST/16791/2024

...

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

DATE : 14th November, 2024.

P.C.:

. Heard the learned counsel for the parties.

Application for condonation of delay:

2 For the reasons stated in the application, the delay stands condoned. The application stands allowed. Appeal be registered.

Application for stay:

3 Since the appellant has deposited the entire amount as per the impugned judgment and award, there shall be stay to the impugned judgment and award till the disposal of the appeal.

Appeal:

4 The record and proceedings be called for.

Application for withdrawal of amount:

5 The learned counsel for the applicants submits that the learned Reference Court has rightly awarded the compensation, still the appeal is preferred. While passing the award, the Court has rightly taken care of the interest of applicant Nos.2 and 3, who were minors at that time. Now, applicant No.2 has become major. He further points out that the Court has rightly calculated the amount of compensation. He thus, prays for withdrawal of the amount.

6 The learned counsel for the appellant / insurance company submits that the learned Court below has taken the income of the deceased as Rs.17,417/- without there being any satisfactory proof to that effect. The monthly income of Rs.12,500/- is considered as he was working as a coolie in the market yard. The remaining income is considered from agricultural land. However, to both these incomes, there is no satisfactory proof. The main ground in the appeal is of quantum. He, thus, opposed the application.

7 Considering the above, his Court finds the following order would meet the ends of justice. Hence, the following order:-

ORDER

- I. Applicant Nos.1, 2 and 4 are permitted to withdraw 50% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- II. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

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