IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CIVIL APPLICATION NO. 3555 OF 2024
IN FAST/33173/2023
WITH
CIVIL APPLICATION NO. 13548 OF 2023
IN FAST/33173/2023
WITH
CIVIL APPLICATION NO. 13549 OF 2023
IN FAST/33173/2023

Sunita Gopal Shingare And Ors
VERSUS
Shriram General Insurance Company Limited And Anr
...
Advocate for Applicant : Mr. Shinde Ram S.
Advocate for Respondent No. 1 : Mr. S.S. Rathi
...

CORAM : KISHORE C. SANT, J.
Dated : June 13, 2024

PER COURT :-

1. Heard the learned advocates for the parties.

2. Civil Application No. 13548/2023 is filed, seeking condonation of delay of 93 days caused in filing the appeal against the judgment and order of the Tribunal dated 11.4.2023, whereby the Insurance Company is directed to pay compensation of Rs.24,47,799/- to the original claimants.

3. For the reasons stated in the application, the application stands allowed. Delay of 93 days is condoned. Office to register the appeal. The application is disposed of.

4. Civil Application No. 3555/2024 is filed for withdrawal of amount of compensation deposited by the appellant/Insurance

Company in this Court. Original claimants are legal heirs of deceased Gopal Shingare.

5. The learned advocate for the applicants submits that the learned Tribunal has rightly allowed the claim petition and directed to pay amount of Rs.24,47,799/- to the claimants with future interest at the rate of 6% p.a. from the date of filing of the claim petition till the realization of entire amount by considering the relevant factors. There is no substantial ground involved in the petition. In the present case, the insurance company has deposited amount of Rs.31,88,803/-. He, thus, prays for allowing the applicants to withdraw 100% amount deposited by the Insurance Company.

6. Mr. S.S. Rathi, learned advocate appearing for respondent No. 1/ Insurance Company vehemently opposes the application. He submits that the applicants have infact not proved the age of the deceased, income of the deceased, there are no bank statements produced on record to show the income of the deceased. He submits that only electricity bills are produced on record of the connection standing in the name of the applicants. The electricity bill itself does not prove the income of the deceased. He, thus, prays for rejection of the application.

7. After hearing the parties, this Court finds that interest of justice would be met by allowing the applicants to withdraw 50% of the amount deposited by the Insurance Company in this Court as this Court finds that there are substantial grounds raised in the appeal.

Hence, the following order :-

ORDER

(i) Applicants are entitled to withdraw 50% of the amount deposited by the appellant/Insurance Company in this Court along with interest, if any, accrued thereon by furnishing an undertaking that in case the appeal is allowed, they shall re-deposit the amout within twelve weeks thereafter. The amount shall be disbursed equally amongst the applicants as directed by the Tribunal.

(ii) Remaining 50% amount be invested in fixed deposit, to be renewed from time to tome, till the appeal is finally decided.

(KISHORE C. SANT, J.)

ssc/