



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

CIVIL APPLICATION NO. 13373 OF 2023 IN FAST/29036/2022

SYED ARIFUDDIN QUADRI SYED HABIBUDDIN QUADRI
AND ANOTHER

VERSUS

THE NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS BRANCH
MANAGER AND OTHERS

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Advocate for Applicants : Mr. Pramod C. Mayure
Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar

...

CORAM : S. G. MEHARE, J.

DATE : 02-02-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned counsel for respondent No.1/appellant.
2. The appellant/insurer has disputed the last drawn salary. It was the case of the insurer that there would be no such hike in the last drawn salary. His entire salary slips were not placed on record. Therefore, the compensation has gone high.
3. The learned counsel for the applicant submits that the last drawn salary was correct. The deceased was serving with the school since 1996 as a Lab Technician. He had a pay scale and, therefore, his salary was correctly shown Rs.45,000/- per month.
4. Considering the dispute over the last drawn salary, the following order is passed;

ORDER

- i) The application is partly allowed.
- ii) The applicants are entitled to withdraw Rs.35,00,000/- from the amount deposited with accrued interest thereon. The said amount be disbursed as per the apportionment done by the learned Tribunal, with proportionate interest on furnishing an undertaking that they shall deposit money, if the judgment and award impugned is reversed.
- iii) Remaining amount be invested in the fixed deposit in any Nationalized Bank till the disposal of the appeal, as per the rules.

**(S. G. MEHARE)
JUDGE**

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