



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

CIVIL APPLICATION NO. 14313 OF 2023 IN FA/3732/2022

SWATI ATUL RAJDEV AND OTHERS
VERSUS
SHARAD DATTARAYA PAWAR AND OTHERS

...
Advocate for Applicants : Ms. Savita P. Kakade (Matkar)
Advocate for Respondent No.2 : Mr. S. D. Bhagwat
(through Video Conferencing)
...

CORAM : S. G. MEHARE, J.

DATE : 23-02-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned counsel for respondent No.2/appellant.
2. The appellant has disputed the involvement of the offending vehicle insured with it in the alleged accident. The appellant also disputed the quantum determined by the learned Tribunal.
3. Perused the papers.
4. *Prima facie*, there is evidence of happening of the incident. The deceased had fixed salary. The statutory deductions may be excluded while considering the income for determination of compensation.

5. Considering the facts and circumstances of the case, this Court is of the view that the applicants are entitled to withdraw 80% of the amount deposited with this Court on certain conditions. Hence, the following order is passed;

ORDER

- i) Application is partly allowed.
- ii) The applicants are permitted to withdraw 80% amount of the deposited amount with this Court.
- iii) Applicants No.1, 4 and 5/ wife, father-in-law and mother-in-law are entitled to receive Rs.9,00,000/- (Rs.Nine Lakhs) each, on furnishing undertaking that they would deposit the amount, if the impugned judgment and award is reversed.
- iv) The balance of one-fifth ($1/5^{\text{th}}$) share should be invested in a fixed deposit in any Nationalized bank of their choice for five years with right to receive accrued interest at quarterly rests.
- v) One-fifth ($1/5^{\text{th}}$) share of each minor be invested in the fixed deposit in any Nationalized bank of their choice under guardianship of their mother till they attain majority, with right to receive accrued interest at quarterly rests.

(S. G. MEHARE)
JUDGE