



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

CIVIL APPLICATION NO. 14673 OF 2023
IN FA/2362/2023

ANUPAMA SHRIDHAR SALAVE AND OTHERS
VERSUS
SHRIRAM GENERAL INSURANCE COMPANY LIMITED, THR ITS
BRANCH MANAGER, AURANGABAD AND ANOTHER

...
Advocate for Applicants : Mr. Shivaji K. Naikwade
Advocate for Respondent No.1 : Mr. A. G. Chaudhari
...

CORAM : S. G. MEHARE, J.

DATE : 02-02-2024

PER COURT :-

1. Heard the learned counsel for the applicants/claimants and the learned counsel for respondent No.1/appellant.
2. The learned counsel for the insurer submits that the major sons of the deceased have been held dependent on the deceased. The notional income of Rs.10,000/- per month was also on higher scale. The offending vehicle was not involved in the accident. Therefore, insurer is not liable to pay the compensation.
3. Learned counsel for the applicants submits that the Tribunal has discarded the defence of the insurer. Considering the inflation of the day, notional income of Rs.10,000/- per month was just and proper. The wife, mother and sons though major were dependent on the deceased.

4. Considering the facts involved in the case, the following order is passed;

- i) The application is partly allowed.
- ii) Applicant No.1 Anupama and applicant No.4 Mathurabai are permitted to withdraw amount of Rs.5,00,000/- (Rs. Five Lakh Only) each from the amount deposited on furnishing undertaking that they will deposit the amount, if the impugned judgment and award is reversed.
- iii) The rest of the amount be invested in fixed deposit in any Nationalized Bank, as per the rules, till conclusion of the appeal.

(S. G. MEHARE)
JUDGE

rrd