

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 216 OF 2024
IN FAST/33486/2023

Meera Madan Dhakne And Ors

VERSUS

Icici Lombard General Insurance Co Ltd And Ors

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Advocate for Applicants : Mr. Gore Ravindra Vitthal

Advocate for Respondent No.1 : Mr. R.H. Dahat

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CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 09, 2024

PER COURT:-

1. Heard the respective counsels.
2. Leave granted to amend the name of applicant no.5.
3. Learned counsel for the appellant opposes the application contending that the compensation has been incorrectly determined including the other material factors. The case of contributory negligence has been ignored. However, to obey the order, they have deposited the money.
4. Learned counsel for the applicants submits that there are no grounds to oppose the application. Prima faice, the liability has been imposed correctly upon the appellant/insurer. The amount of Rs.99 lakh has been deposited. The children of the deceased are pursuing education. The wife of the deceased is a housewife. They have no income source.

5. Considering the facts and circumstances of the case, the following order is passed :

ORDER

- (I) The application is partly allowed.
- (II) Applicant nos.1 to 3 are allowed to withdraw Rs.20 lakh each from the amount deposited in the Court.
- (III) The share of applicant nos.2 and 3 be deposited in fixed deposit with right to receive interest at quarterly rest for five years.
- (IV) Rs.15 lakh be deposited in the name of applicant no.1 with right to receive interest on quarterly rest.
- (V) Applicant no.5 is allowed to withdraw Rs.5 lakh only.
- (VI) Balance amount be deposited in fixed deposit as per rules.

(S.G. MEHARE, J.)