

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL (ST) NO.31303 OF 2023
WITH
INTERIM APPLICATION NO.353 OF 2024**

Reliance General Insurance Co. Ltd., Applicants
Kolhapur

V/s.

Smt.Rekha Anil Kamble & Ors. Respondents

**WITH
INTERIM APPLICATION NO.10583 OF 2024
IN
FIRST APPEAL (ST) NO.31303 OF 2023**

Smt.Rekha Anil Kamble & Ors. Applicants

V/s.

Reliance General Insurance Co. Ltd., Respondents
Kolhapur

Mr.Avesh Ghadage i/b Mr.Akshay Kulkarni, for the Appellant.
Ms.Priyanka Babar i/b Mr.T.S. Ingale, for Respondent Nos.1 to 4.

CORAM : ARUN R. PEDNEKER, J.

DATE : 26th JULY 2024

P.C:-

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. Heard learned counsel for the parties.

2. The present Appeal is filed on the ground of

computation of compensation. The learned counsel for the Insurance Company submits that the income of the deceased is considered on the higher side.

3. Perusal of the order indicate that the employment income is taken at Rs.1,81,450/- per year and business income is considered at Rs.73,000/- per year. Total income of the deceased was Rs.2,54,450/- per year. The deceased worked with the sugar factory and also had business related to the milk and milk products. The learned counsel submits that the work of the deceased was sessional and only for seven months per year.

4. The Tribunal has in paragraph No.9 taken deceased income for seven months only.

5. Perusing the judgment *prima facie* the income is considered by the Tribunal is not excessive. As such I permit the all major Applicant to withdraw 75% compensation deposited before the Tribunal along with accrued interest thereon to the extent of their share as stated in the judgment of the Tribunal, subject to an undertaking to the satisfaction of the Presiding Officer of the MACP, Court.

6. The Application for withdrawal is disposed of.

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7. The Appeal is admitted.

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8. Since the entire decretal amounts is deposited by the Insurance Company the stay is confirmed till the final decision of the Appeal.

9. Application for stay is disposed of.

10. Call record and proceedings.

(ARUN R. PEDNEKER, J.)