

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8496 OF 2024 (withdrawal)

IN

FIRST APPEAL NO. 279 OF 2024

Neeta Suhas Nikale and Anr.

... Applicant

IN THE MATTER OF :

General Manager, SBI G.I.C. Ltd. and Anr.

... Appellants

Versus

Neeta Suhas Nikale and Anr.

... Respondent

.....

Mr. P. K. Bohade, Advocate for the Applicant and for Respondent Nos. 1 to 3 in FA/279/2024.

Mr. T.R. Kale i/b. Ms. Shalini Shankar, Advocate for Respondents and for Appellants in FA/279/2024.

CORAM : ARUN R. PEDNEKER, J.

DATED : 1st JULY, 2024.

P.C. :

1. The present appeal is filed on the ground that the compensation amount granted is excessive and that the driver of the alleged dumper was not having valid driving licence at the time of accident.

2. The Tribunal has taken the income of the deceased at Rs.6,000/- per month. At the time of accident the deceased was 48 years of age. Considering the said fact that it granted overall compensation of Rs.9,01,000/- to the claimants i.e. widow and the son. Prima facie, the amount granted is not excessive and the ground that the driver of the vehicle was not holding valid licence would be covered within the principle

of 'pay and recover'. As such, I permit the applicant to withdraw 60% of the compensation as directed by the Tribunal along with accrued interest subject to filing of usual undertaking to the satisfaction of the Presiding Officer of the Tribunal.

3. Interim Application No. 8496 of 2024 is disposed of.
4. The First Appeal is admitted.

(ARUN R. PEDNEKER, J.)

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KILAJE

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