

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.9235 OF 2024
IN
FIRST APPEAL (ST) NO.13869 OF 2024

Mr.Pramod Wasudeorao Rameshettiwar & Applicants
Ors.

V/s.

Regional Manager, United India Insurance Respondents
Co. Ltd. & Ors.

Mr.T.J. Mendon i/b Mr.Yogesh Pande, for the Applicants.
Mr.Amol Gatne, for the Respondents.

CORAM : ARUN R. PEDNEKER, J.

DATE : 13th JUNE 2024

NILAM
SANTOSH
KAMBLE
Digitally signed
by NILAM
SANTOSH
KAMBLE
Date: 2024.06.18
10:47:53 +0530

P.C:-

. The present Appeal is filed by the Insurance
Company primarily on the ground of compensation. The
ground No.4 & 6 which read as under:-

“(iv) It ought to be held, that, Tribunal erred in ignoring the settled law in the case of Sarla Verma, when it comes to the father, he cannot be taken as dependent and therefore, the total dependents would be 2, therefore, while calculating the compensation, ½ income is liable to deducted instead of 1/3rd.

(vi) It ought to be held, that, considering the deduction of 1/2, the just and proper total compensation payable would be at Rs.63,92,759/- as against the amount of

Rs.85,80,351/-, therefore, the award is on higher side by Rs.21,87,592/-”

2. The learned counsel for the Insurance Company submits that the Claim Compensation should have been of Rs.63,92,759/- as against the granted amount of Rs.85,80,351/- as such the award is on the higher side of Rs.21,87,592/-.

3. In view of this admitted position the Application for withdrawal of the amount to the extend of Rs.63,92,759/- alongwith accrued interest is allowed. The Claimant's are permitted to withdraw the amount in equal proportion as directed by the Tribunal.

4. The Application for withdrawal is disposed of.

5. List the Appeal on 12th July 2024.

(ARUN R. PEDNEKER, J.)