



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO. 926 OF 2022

The Oriental Insurance Co. Ltd. through its Divisional Manager, Akola

.Vs.

Meera wd/o Manohar Bhadake and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri A.W. Paunikar, Advocate for the appellant.

Shri S.A. Mohta, Advocate for respondent No.1, 4 and 5.

Shri Abhay Dhage, Advocate h/f Shri V.B. Bhise, Advocate
for respondent Nos.6 and 7.

CORAM : G.A. SANAP, J.

DATE : 11/01/2023

CIVIL APPLICATION NO.1937 OF 2023

Heard learned Advocate for respondent Nos.1 to
5. and learned Advocate for appellant. Perused the record
and proceedings.

2. This is an application for withdrawal of the
amount of compensation deposited in this Court.

3. It is stated that claim has been finally decided.
Claim was filed in the year 2018. It is stated that the
respondents are entitled to get the amount of
compensation deposited in this Court.

4. Learned Advocate for the appellant submits that judgment and award passed by the Tribunal holding that monthly income of the deceased was Rs.18,000/- perverse inasmuch as there is no evidence to substantiate this aspect. Learned Advocate therefore, submits that respondents at the most may be allowed to withdraw 50% of the deposited amount.

5. I have gone through the record and proceedings. The respondents are the legal heirs of the deceased died in vehicular accident. The Tribunal has granted the compensation of Rs.30,24,500/-. They are entitled to get the compensation. In order to appreciate the submissions of the learned Advocates, I have gone through the judgment and order passed by the Tribunal. On going through the record and proceedings, I am of the view that respondents being the unfortunate legal heirs of the deceased can be allow to withdraw Rs.30 Lacs out of the deposited amount.

6. Accordingly the application is partly allowed.

7. Respondent No.1 Meera wd/o Manohar Bhadake is allowed to withdraw Rs.30 Lacs (Rs. Thirty Lacs Only) with accrued interest on behalf of respondent Nos.1 to 5 on furnishing usual undertaking to the effect

that she will return the said amount in case the appeal is decided against her along with interest at the rate that will be determined by the Court.

6. Respondent Nos. 1 to 5 are allowed to withdraw the amount of Rs.30. Lacs.

7. Application stands **disposed of**, accordingly.

(G. A. SANAP, J.)

manisha