IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3027 OF 2025
IN FAST/26600/2024

SANGITA BHAUSAHEB PARBHANE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO LTD THROUGH ITS BRANCH MANAGER AND ORS

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Mr. Dnyaneshwar A. Bide, Advocate for Applicants.
Mrs. Anagha Rotte, Advocate for Respondent No.1.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 21st MARCH, 2025.

P.C.:-

1. Heard learned Advocates appearing for respective parties.

2. The applicants/original claimants in M.A.C.P. No.14/2022 are seeking withdrawal of amount in pursuance to award dated 02.05.2024.

3. The learned Advocate appearing for respondent/insurer submits that Appeal is essentially filed on the ground of quantum. The Tribunal not only considered exponential notional income, but also granted future prospects over the same. She would point out that interest is granted @ 9% per annum, which is much more than interest rate of Nationalized Bank.

4. Considering submissions advanced and looking to the reasoning adopted by Tribunal, claimants are certainly entitled for partial withdraw of amount. It appears that claimant nos.2 and 3 were minors at the time of institution of claim. The Tribunal under Clause (iv) of award directed fixed deposit of amount falling to their share. Hence, following order:

ORDER

a. Civil Application is partly allowed.

b. The claimant nos.1 and 4 are permitted to withdraw 75% of the amount falling to their share alongwith accrued interest thereon by furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court that they shall re-deposit the amount in case adverse order is passed in appeal.

c. The amount falling to share of claimant nos.2 and 3 be kept in fixed deposit with liberty in their favour to file application seeking permission to withdraw amount, as and when contingency arises.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/March-2025