



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

939 CIVIL APPLICATION NO. 3506 OF 2025
IN FA/2028/2022

KACHARU DHODU KOLI AND ANR

VERSUS

THE GENERAL MANEGER THE NEW INDIA INSURANCE CO LTD
AND ORS

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Mr. A. D. Dale, Advocate for the Applicants

Mr. M. R. Deshmukh, Advocate for Respondent No.1

Mr. P. M. Borde h/for Mr. S. S. Chapalgaonkar, Advocate for
Respondent No.3

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CORAM : NEERAJ P. DHOTE, J.

DATE : 28.03.2025

PER COURT :-

1. This is an Application filed by the original Claimants/Respondent Nos. 3 and 4, who are the parents of the deceased, for withdrawal of the amount out of the 75% that has been deposited by the insurance company in this Court.

2. The learned Advocate for the Applicants submits that the original Appellant/Claimant, Ms. Ujwala Santosh Koli, who was the widow of the deceased, was permitted to withdraw 75% of the amount with interest deposited in this Court on furnishing an undertaking that she would deposit the money if the impugned Judgment and Award is reversed. He submits that the 1/3rd amount deposited by the Insurance Company be allowed to be withdrawn by the Applicants.

3. The learned Advocate for the Insurance Company submits that appropriate orders be passed in terms of the share called out by the learned Tribunal.

4. The operative order passed by the learned Tribunal, which is impugned in the appeal, shows that the amount of compensation awarded to the dependents of the deceased was quantified at Rs. 12 lakh. Out of the said amount, Rs. 8 lakh was awarded to the widow, and Rs. 2 lakh each was awarded to the present applicants, who are the parents. There is no dispute that this Court, by order dated 19.04.2024, permitted the widow to withdraw $1/3^{\text{rd}}$ of her share out of the amount deposited by the Insurance Company. In view of the same, the Applicants are permitted to withdraw the amount to the extent of their share, i.e., $1/3^{\text{rd}}$.

5. The Applicants shall furnish regular undertaking before the Registrar (Judicial) of this Court. The Applicants are permitted to withdraw their share on the same terms and conditions which were imposed while passing the order dated 19.04.2024.

6. The Civil Application is disposed off accordingly.

[NEERAJ P DHOTE, J.]